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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK  
4 -----X  
5 MARIA SUAREZ,  
6 Plaintiff,  
7 Case No.  
8 -against- 2:19-cv-07271-GRB-SIL  
9 SOUTHERN GLAZER'S WINE AND SPIRITS,  
10 LLC,  
11 Defendant.  
12 -----X  
13 November 11, 2021  
14 10:25 a.m.  
15  
16 Videotaped deposition of MARIA SUAREZ,  
17 taken by Defendant, pursuant to Order and  
18 stipulations between Counsel, at the offices  
19 of Constangy, Brooks, Smith & Prophete, LLP,  
20 101 6th Avenue, New York, New York, before  
21 Jessica R. Taft, a Shorthand Reporter and  
22 Notary Public of the State of New York.  
23  
24  
25

1  
2 STIPULATIONS  
3  
4 IT IS HEREBY STIPULATED AND AGREED, by  
5 and between counsel for the respective  
6 parties hereto, that all objections, except  
7 as to form, are reserved to the time of  
8 trial.  
9 IT IS FURTHER STIPULATED AND AGREED  
10 that the deposition may be signed and sworn  
11 to before any officer authorized to  
12 administer an oath.  
13 IT IS FURTHER STIPULATED AND AGREED  
14 that the sealing and filing of the  
15 deposition be waived.  
16  
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1  
2 APPEARANCES:  
3  
4 MOSER LAW FIRM, P.C.  
5 Attorneys for Plaintiff  
6 5 E. Main Street  
7 Huntington, New York 11743  
8 BY: STEVEN MOSER, ESQ.  
9  
10 CONSTANGY, BROOKS, SMITH & PROPHETE, LLP  
11 Attorneys for Defendant  
12 101 6th Avenue  
13 New York, New York 10013  
14 BY: ANJANETTE CABRERA, ESQ.  
15  
16 PRESENT:  
17 ANDREW GEDACHT, Videographer  
18 LAUREN O'CONNOR, audio only, in-house  
19 counsel for Defendant Southern Glazer's  
20 Wine and Spirits, LLC  
21  
22  
23  
24  
25

1  
2 THE VIDEOGRAPHER: Here begins  
3 media number one in the deposition of  
4 Maria Suarez in the matter of Maria  
5 Suarez v. Southern Glazer's Wine and  
6 Spirits of New York, LLC, in the U.S.  
7 District Court, Eastern District of New  
8 York, Case Number 219-CV-07271-  
9 GRB-SIL.  
10 Today's date is November 11,  
11 2021, the time is 10:52 (sic) a.m.  
12 This deposition is being taken at  
13 Constangy, Brooks, Smith & Prophete,  
14 LLP, 101 6th Avenue, New York, New  
15 York.  
16 I'm Andrew Gedacht, the  
17 videographer, and the court reporter is  
18 Jessica Taft from Pirozzi and Hillman,  
19 New York, New York.  
20 Counsel, please identify  
21 yourselves and state whom you  
22 represent.  
23 MR. MOSER: Steven Moser for the  
24 plaintiff.  
25 MS. CABRERA: Anjanette Cabrera

<p style="text-align: right;">5</p> <p>1 Suarez</p> <p>2 for Southern Glazer's Wine and Spirits.</p> <p>3 MARIA SUAREZ,</p> <p>4 the Witness herein, having first been</p> <p>5 duly sworn by the Notary Public, was</p> <p>6 examined and testified as follows:</p> <p>7 MS. CABRERA: Before we get</p> <p>8 started, just for the record, on the,</p> <p>9 on the phone listening but won't be</p> <p>10 speaking or appearing is in-house</p> <p>11 counsel for the company, Lauren</p> <p>12 O'Connor.</p> <p>13 EXAMINATION</p> <p>14 BY MS. CABRERA:</p> <p>15 Q. Good morning, Ms. Suarez.</p> <p>16 A. Good morning.</p> <p>17 Q. My name is Anjanette Cabrera, and</p> <p>18 I represent Southern Glazer's Wine and</p> <p>19 Spirits. And we are here today to take</p> <p>20 your deposition.</p> <p>21 A. (Thereupon, the witness nods in</p> <p>22 the affirmative.)</p> <p>23 Q. Before we begin the questioning,</p> <p>24 I just want to go over a couple of ground</p> <p>25 rules with you, okay?</p>	<p style="text-align: right;">7</p> <p>1 Suarez</p> <p>2 A. Okay.</p> <p>3 Q. And also make sure that you can</p> <p>4 speak up so she can properly take down what</p> <p>5 you say and the videographer here can, can</p> <p>6 capture what it is that you are saying.</p> <p>7 Okay?</p> <p>8 A. Okay.</p> <p>9 Q. If you don't understand the</p> <p>10 question, please tell me, and I will do the</p> <p>11 best to rephrase it.</p> <p>12 A. All right.</p> <p>13 Q. Okay? If you simply answer the</p> <p>14 question, my assumption is going to be that</p> <p>15 you understood the question as I posed it.</p> <p>16 Do you understand that?</p> <p>17 A. Yes.</p> <p>18 Q. I'm going to be giving you some</p> <p>19 documents to look at today. Okay? Um, we</p> <p>20 refer to them as exhibits. When I give</p> <p>21 them to you, I want you to take as much</p> <p>22 time as you feel you need to review the</p> <p>23 document before I start questioning you.</p> <p>24 Okay?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">6</p> <p>1 Suarez</p> <p>2 A. (Thereupon, the witness nods in</p> <p>3 the affirmative.)</p> <p>4 Q. So, do you understand that you're</p> <p>5 under oath today?</p> <p>6 A. Yes.</p> <p>7 Q. And you understand that that</p> <p>8 means that you are obligated to tell the truth?</p> <p>9 A. Yes.</p> <p>10 THE VIDEOGRAPHER: We are going</p> <p>11 off the record. The time is 10:27 a.m.</p> <p>12 This is the end of media number one.</p> <p>13 (Thereupon, a discussion was held</p> <p>14 off the record.)</p> <p>15 THE VIDEOGRAPHER: We are back on</p> <p>16 the record. The time is 10:28 a.m.</p> <p>17 This is the start of media number two.</p> <p>18 BY MS. CABRERA:</p> <p>19 Q. So the most important person in</p> <p>20 the room today is the court reporter.</p> <p>21 Okay? We want to make sure that she can</p> <p>22 hear my question and we also want to make</p> <p>23 sure that she can hear your answer. So</p> <p>24 please make sure that all of your answers</p> <p>25 are verbal. Okay?</p>	<p style="text-align: right;">8</p> <p>1 Suarez</p> <p>2 Q. We were discussing -- before we</p> <p>3 got on the record, we were discussing a</p> <p>4 lunch break, okay? In addition to a lunch</p> <p>5 break, if you need to take a break, you</p> <p>6 just let us know. Okay? You can take as</p> <p>7 many breaks as you need. There is not a</p> <p>8 limit on your breaks. The only rule with</p> <p>9 regard to breaks is that you cannot take a</p> <p>10 break if there is a question pending.</p> <p>11 Okay?</p> <p>12 A. Sure.</p> <p>13 Q. So what that means, for example,</p> <p>14 is if I ask you a question, I will need you</p> <p>15 to answer that question and then you can</p> <p>16 take a break.</p> <p>17 Is there any reason why you can't</p> <p>18 testify truthfully today?</p> <p>19 A. No.</p> <p>20 Q. Are you under the influence of</p> <p>21 any drugs or alcohol that would impair --</p> <p>22 A. No.</p> <p>23 Q. -- your ability?</p> <p>24 What did you do to prepare for</p> <p>25 your deposition today?</p>

1 Suarez  
 2 A. I talked to my attorney.  
 3 Q. And to be clear, I don't want to  
 4 know about anything you talked to your --  
 5 A. Yes.  
 6 Q. -- attorney about, okay?  
 7 Um, how long did you talk to your  
 8 attorney?  
 9 A. Approximately one hour yesterday  
 10 and maybe half an hour today.  
 11 Q. And did you review any documents?  
 12 A. I reviewed some documents this  
 13 morning.  
 14 Q. And what were the documents that  
 15 you reviewed?  
 16 A. It was the documents that I  
 17 signed with my attorney previously. I  
 18 don't remember the name of the, of the  
 19 document.  
 20 Q. Do you remember if it was the  
 21 complaint?  
 22 A. The complaint.  
 23 Q. Okay. Did you look at anything  
 24 else besides the complaint?  
 25 A. No, I did not.

1 Suarez  
 2 Q. Did you talk to anyone else  
 3 beside your lawyer about your deposition  
 4 today?  
 5 A. I text a friend that I was coming  
 6 to the city this morning.  
 7 Q. And where do you live, Ms. Suarez?  
 8 A. Uniondale, Long Island.  
 9 Q. And what is your marital status?  
 10 A. Divorced.  
 11 Q. Do you have any children?  
 12 A. No.  
 13 Q. And what's your highest level of  
 14 education? What's the last school you  
 15 completed?  
 16 A. I completed six years of  
 17 university in Ecuador, which is equivalent  
 18 here to a bachelor's degree.  
 19 Q. Okay. Were you born in Ecuador?  
 20 A. Yes.  
 21 Q. When did you come to the United  
 22 States?  
 23 A. In the year 2000, to live.  
 24 Q. Okay. And have you always lived  
 25 in Uniondale?

1 Suarez  
 2 A. Yes.  
 3 Q. Have you ever been involved in  
 4 any sort of criminal case?  
 5 A. No.  
 6 Q. Aside from this case that we are  
 7 going to talk about today, have you ever  
 8 been involved in any civil litigation?  
 9 A. No.  
 10 Q. So you never sued anybody else?  
 11 A. No, I have not.  
 12 Q. Has anyone sued you?  
 13 A. No.  
 14 Q. Aside from your deposition  
 15 testimony in the Sanjous matter, have you  
 16 ever been a witness in a case?  
 17 A. I'm sorry, can we go back one  
 18 question?  
 19 Q. Sure.  
 20 A. If anybody sued me?  
 21 Q. Yes.  
 22 A. Um, I think there was a civil  
 23 case, but I don't remember, like, a long,  
 24 long time ago when I was on vacation,  
 25 vacation here in New York City. I had one

1 Suarez  
 2 of those memberships to a gym.  
 3 Q. Okay.  
 4 A. And I think that ended in some --  
 5 I never attended. I don't know what  
 6 happened, but, um, on my credit report  
 7 appeared.  
 8 Q. Got it. Okay. Did they enter a  
 9 judgment against you on your credit report?  
 10 A. Yes, I think so.  
 11 Q. Got it. Okay, okay. Thank you  
 12 for clarifying that.  
 13 A. Yeah. It was hard to remember  
 14 that at the start.  
 15 Q. Understood.  
 16 Um, and so my question, the next  
 17 question I was asking you: Aside from your  
 18 deposition in the Sanjous case, have you  
 19 ever been a witness in a case before?  
 20 A. No, I have not.  
 21 Q. So that was your only experience?  
 22 A. Yes.  
 23 Q. Have you ever been involved in  
 24 any proceeding with the Equal Employment  
 25 Opportunity Commission?

<p style="text-align: right;">13</p> <p>1 Suarez</p> <p>2 A. I had an interview with</p> <p>3 Ms. Selana. I don't know if that counts</p> <p>4 for involvement.</p> <p>5 Q. Got it. Are you talking about --</p> <p>6 I'm sorry. Explain to me who Ms. Selana,</p> <p>7 what you spoke to Ms. Selana about.</p> <p>8 A. I don't have the records. It was</p> <p>9 a long time ago. But I responded to the</p> <p>10 questions that she asked me. I don't</p> <p>11 remember the specifics.</p> <p>12 Q. Okay. Was it, in general, about</p> <p>13 the same, the same things about this case?</p> <p>14 Do you remember if that was the subject</p> <p>15 matter?</p> <p>16 A. I think it was a complaint by</p> <p>17 Josie. But I'm sorry, I don't remember</p> <p>18 specifics.</p> <p>19 Q. Okay. But Ms. Selana was with</p> <p>20 the Equal Opportunity Employment</p> <p>21 Commission?</p> <p>22 MR. MOSER: Objection as to form.</p> <p>23 BY MS. CABRERA:</p> <p>24 Q. You can answer.</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">15</p> <p>1 Suarez</p> <p>2 Q. Okay. Why don't you tell me what</p> <p>3 you did. What were your duties and</p> <p>4 responsibilities?</p> <p>5 A. Processed all timecards,</p> <p>6 timesheets, entered hours, um, processed</p> <p>7 payments through ADP.</p> <p>8 THE REPORTER: Did you say ADP or</p> <p>9 ADT?</p> <p>10 THE WITNESS: ADP, sorry.</p> <p>11 THE REPORTER: I just want to</p> <p>12 make sure I heard you correctly.</p> <p>13 THE WITNESS: Processed</p> <p>14 timesheets, taxes, help processing</p> <p>15 commissions, sales commissions, um,</p> <p>16 process all payables, you know, from</p> <p>17 the payroll deductions.</p> <p>18 BY MS. CABRERA:</p> <p>19 Q. Okay.</p> <p>20 A. Reporting to accounting payroll,</p> <p>21 all payroll, um, payroll-related, um,</p> <p>22 accounts, like, we did it daily and weekly</p> <p>23 and also monthly for the month's end.</p> <p>24 Q. Okay. And did you earn a salary?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">14</p> <p>1 Suarez</p> <p>2 Q. Okay. Do you remember when you</p> <p>3 spoke to her?</p> <p>4 A. Maybe in 2013, 2014. I don't</p> <p>5 remember.</p> <p>6 Q. Got it. Okay.</p> <p>7 Have you ever been involved in a</p> <p>8 proceeding with the New York State Division</p> <p>9 of Human Rights?</p> <p>10 A. No, I have not.</p> <p>11 Q. And aside from this case here,</p> <p>12 aside from the letter that your attorney</p> <p>13 sent to Southern Glazer's, have you ever</p> <p>14 sent a demand letter to anyone?</p> <p>15 A. No, I have not.</p> <p>16 Q. Have you ever filed for bankruptcy?</p> <p>17 A. No, never.</p> <p>18 Q. Ms. Suarez, when did you begin</p> <p>19 working for Premier Wines?</p> <p>20 A. April 2000.</p> <p>21 Q. And what was your role at Premier</p> <p>22 Wines?</p> <p>23 A. Payroll, payroll clerk,</p> <p>24 administrator. I'm not sure right now. I</p> <p>25 don't remember exactly the title.</p>	<p style="text-align: right;">16</p> <p>1 Suarez</p> <p>2 Q. And did you earn overtime in that</p> <p>3 position?</p> <p>4 A. No, I did not.</p> <p>5 Q. Did you have, um, anyone that was</p> <p>6 reporting to you in that position?</p> <p>7 A. No, I didn't.</p> <p>8 Q. And who did you report to?</p> <p>9 A. Alicia Diaz. I think her title</p> <p>10 was director, director of HR at the moment,</p> <p>11 at that point.</p> <p>12 Q. And did there come a time where</p> <p>13 your job changed?</p> <p>14 A. Yes.</p> <p>15 Q. And when was that?</p> <p>16 A. It was in 2004, if I remember</p> <p>17 correctly. Um, they -- warehouse payroll</p> <p>18 or the personnel in the warehouse grew</p> <p>19 substantially.</p> <p>20 Q. Okay.</p> <p>21 A. Especially drivers and helpers.</p> <p>22 And we needed a person, or they needed a</p> <p>23 person to take care of only warehouse</p> <p>24 payroll.</p> <p>25 Q. Okay.</p>



1 Suarez  
2 A. So I was working with the  
3 director of operations at that point. I  
4 was moved to the warehouse to work with the  
5 director of operations.  
6 Q. And did you become an  
7 administrative assistant in payroll --  
8 A. Yes.  
9 Q. -- at that time?  
10 And now was -- was your employer  
11 still Premier Wines or was it Southern  
12 Glazer's Wine and Spirits at that time?  
13 A. I think it was Premier Wines,  
14 and, and shortly in December of 2004 it  
15 changed to Southern Wines.  
16 Q. And when it changed to Southern  
17 Glazer's Wine and Spirits, did your  
18 position change or you remained as the  
19 administrative assistant in payroll for the  
20 warehouse?  
21 A. I remained in that position.  
22 Q. And where was that job located?  
23 A. With Premier, I have an office  
24 next to the director of operations' office,  
25 um, in the main warehouse office. It was

1 Suarez  
2 called just warehouse office.  
3 Q. Okay.  
4 A. And then when Southern took over  
5 in December 2004, I was moved to the Blue  
6 Room Number 2.  
7 Q. Okay. And where was the main  
8 warehouse office located, what city?  
9 A. What city?  
10 Q. Yes.  
11 A. Syosset.  
12 Q. And just to take a step back,  
13 when you started with Premier Wines, was  
14 that also in Syosset?  
15 A. Yes.  
16 Q. Okay. So, you said you were  
17 moved to Blue Room Number 2, is that  
18 correct?  
19 A. Yes.  
20 Q. And what were your job duties?  
21 A. Mainly payroll. But shortly I  
22 started, um, helping the sales force with  
23 questions about product, about inventory,  
24 but my title didn't change.  
25 Q. And who were you reporting to

1 Suarez  
2 directly?  
3 A. First Mike Capalto and then, um,  
4 with Southern, a new director of operations  
5 came along. And I don't remember his name.  
6 Q. And when you say that you were  
7 doing payroll, was it the same  
8 responsibilities that you explained to me  
9 that you had when you had the job with  
10 Premier Wines? Is that what you mean by  
11 doing payroll?  
12 A. No. I did only hours and PTOs  
13 and, um, make everything, like, easier for  
14 the payroll department to take the  
15 warehouse information.  
16 Q. And what do you mean by "hours"?  
17 A. Process the time records. I  
18 printed the, the timesheets. You know, I  
19 processed the timesheets. At that point,  
20 there was no more timecards, so I processed  
21 the timesheets. I got the signatures from  
22 supervisors authorizing overtime, and I  
23 send the information to payroll to process  
24 the, the payments.  
25 Q. Did you have to fill out a

1 Suarez  
2 timesheet for yourself?  
3 A. I don't remember.  
4 Q. Do you remember if you were paid  
5 a salary or if you were paid on an hourly  
6 basis?  
7 A. With Premier, I was paid a  
8 salary. I was hired for a 35-hour week, a  
9 salary person.  
10 With Southern, many things  
11 changed, but I don't remember exactly. Um,  
12 I don't remember at what point I was made  
13 hourly. Um, I was asked to join the union.  
14 I never did, but I don't remember exactly  
15 when this happened. But for a few months I  
16 was not salary; I was paid by the hour.  
17 Q. For a few months when Southern  
18 took over?  
19 A. I think so.  
20 Q. And -- well, strike.  
21 Okay. And again, as the  
22 administrative assistant in payroll at the  
23 point that Southern took over, right -- so  
24 we're talking, I think you said it was  
25 around December 2004 -- did you have any

21

1 Suarez  
2 direct reports reporting to you?  
3 A. No, I did not.  
4 Q. Okay. And did there come a time  
5 that your, that your job changed from  
6 administrative assistant and payroll?  
7 A. I'm sorry? Repeat the question.  
8 Q. Did there come a time where your  
9 job changed from administrative assistant  
10 and payroll?  
11 A. I'm sorry, I don't understand the  
12 question.  
13 Q. Okay. Were you promoted to  
14 inventory supervisor, inventory control  
15 manager?  
16 A. In July 2007, I was promoted to  
17 inventory control manager. I'm sorry,  
18 inventory -- inventory manager warehouse.  
19 That was my title.  
20 Q. Okay. Inventory manager  
21 warehouse, okay.  
22 And where was that job located?  
23 A. I just stayed at my desk in the  
24 Blue Room Number 2.  
25 Q. And that was in Syosset, correct?

22

1 Suarez  
2 A. Yes.  
3 Q. And what were your job duties?  
4 A. The first directive given to me  
5 was to fix the inventory.  
6 We had at that point, I think, a  
7 good \$10 million of inventory lost.  
8 Q. And who were you reporting to at  
9 that time?  
10 A. To John Wilkinson.  
11 Q. And did you have any direct  
12 reports reporting to you?  
13 A. Yes.  
14 Q. And who were they?  
15 A. I had one.  
16 Q. And who was that?  
17 A. Josie Sajoeus.  
18 Q. Did there come a time -- I'm  
19 sorry.  
20 A. In payroll. And I had six people  
21 from an agency working for me and with Josie.  
22 Q. So, Josie was a Southern --  
23 A. Employee.  
24 Q. -- employee. And the other six  
25 were from a staffing agency?

23

1 Suarez  
2 A. Yes, Robert Half.  
3 Q. Robert Half?  
4 A. Yes.  
5 Q. Okay. In this role, were you  
6 responsible for managing inventory control?  
7 A. Yes.  
8 Q. Did you have the ability to hire  
9 Josie?  
10 A. Josie was already hired, working  
11 for the previous inventory control manager.  
12 Q. Did you have the authority to  
13 fire Josie?  
14 A. Yes.  
15 Q. Did you give Josie performance  
16 evaluations?  
17 A. No. She was a union employee.  
18 Q. Did you provide her with feedback  
19 on how she was doing her job?  
20 A. Yes.  
21 Q. Were you responsible for  
22 correcting her if she was doing her job  
23 incorrectly?  
24 A. Yes.  
25 Q. Were you performing office work

24

1 Suarez  
2 at this time?  
3 A. Yes, mostly.  
4 Q. Mostly?  
5 A. Uh-huh.  
6 Q. And as the -- was the position  
7 renamed inventory control manager?  
8 A. Inventory manager warehouse.  
9 Q. Inventory manager warehouse.  
10 Did you report to anyone besides  
11 John at this time?  
12 A. I reported directly to him. But  
13 many times I got phone calls from the VP of  
14 operations, from the sales force, from  
15 marketing, and I actually -- I treated,  
16 like, everybody like my boss. I, I got  
17 results from, for them.  
18 Q. And was it up to you to decide --  
19 when you received these calls from  
20 different people --  
21 A. Uh-huh.  
22 Q. -- was it up to you to decide,  
23 you know, who you were going to prioritize  
24 first?  
25 A. Yes.

25

1 Suarez

2 Q. And did you have to exercise

3 independent judgment to make those decisions?

4 A. Yes.

5 Q. Did you train anyone?

6 A. Yes.

7 Q. And were you paid a salary for

8 this position?

9 A. Yes.

10 Q. And again, I want to switch

11 specifically to this position, okay? Did

12 you work weekends?

13 A. Yes.

14 Q. And were you given additional

15 compensation for working weekends?

16 A. I did not until 2017.

17 Q. And who did John report to at

18 this time?

19 A. To the VP of operations, Greg

20 Risley.

21 Q. And I think you said you had a

22 total of seven people reporting to you,

23 Josie and then six Robert Half --

24 A. At one point, ten people. But I

25 ended up -- when I resolve all these issues

26

1 Suarez

2 of lost inventory that I, you know, took

3 down in the beginning, it took me three

4 months and then six months to resolve

5 everything. I hired three more people. So

6 my staff was four people, all Southern

7 employees.

8 Q. And who were those four people?

9 A. After Josie, I hired Ena, then

10 Tatyana and then Justin.

11 MS. CABRERA: Okay. I'm going to

12 give you what has been marked as

13 Exhibit 1.

14 (Thereupon, the document was

15 marked Defendant's Exhibit 1 for

16 identification, as of this date.)

17 BY MS. CABRERA:

18 Q. As I said in the beginning, I

19 want you to take a look at it, okay? It is

20 a document at the bottom Bates stamped 2618

21 to 2624. It's about six, seven pages.

22 Please look at it and let me know when you

23 are ready to proceed. Okay?

24 A. Okay, finished.

25 Q. Do you recognize Exhibit 1?

27

1 Suarez

2 A. Yes.

3 Q. Okay. And what do you recognize

4 it to be?

5 A. It's a performance evaluation.

6 Q. And this is your performance

7 evaluation, correct?

8 A. Yes.

9 Q. I'm going to ask you to turn to

10 the last page, 707.

11 Is that your signature?

12 A. Yes, it is.

13 Q. And how was this given to you?

14 MR. MOSER: Objection as to form.

15 BY MS. CABRERA:

16 Q. Do you understand the question?

17 A. Yes. But I don't remember.

18 Q. Okay. Do you remember if you

19 were given this evaluation as this piece of

20 paper as I have given it to you today?

21 A. Or sent by email. I don't

22 remember.

23 Q. And who gave it to you?

24 A. John Wilkinson.

25 Q. And did he have any discussion

28

1 Suarez

2 with you about it?

3 A. I don't remember. Probably.

4 Q. Going back to the direct reports

5 that we were just talking about --

6 A. Uh-huh.

7 Q. -- I believe you said it went

8 from Josie, one person, and then you hired

9 three additional people, and you had a team

10 of four.

11 With regard to those four people,

12 can you describe what you had to do each

13 day to manage them as your direct reports?

14 A. I assigned work to them. I

15 review, I accepted or discarded their

16 findings. And I trained them to analyze

17 their part of the inventory. I divided

18 inventory by, in alphabetical order, and I

19 assigned items to be monitored by them.

20 Q. When you say that you divided

21 inventory by alphabetical order, was that

22 your -- that was the decision that you

23 implemented?

24 A. Yes.

25 Q. And did you have the discretion

1 Suarez  
 2 to implement whatever system you, you  
 3 wanted?  
 4 A. Yes.  
 5 Q. And did -- anything else? I want  
 6 to make sure I didn't cut you off.  
 7 Was there anything else you might  
 8 do on a day-to-day basis to manage your  
 9 direct reports at this time?  
 10 A. That was work-wise. Um, also,  
 11 um, I trained them, trained them to be, um,  
 12 very good in customer service. We reply  
 13 and prioritize the inquiries from the sales  
 14 force. And many times I assisted them in  
 15 replying emails, communications. And also,  
 16 you know, besides work, approve vacations,  
 17 PTOs, hours, approval for time.  
 18 Q. Anything else?  
 19 A. No, that's all I can remember  
 20 right now.  
 21 MS. CABRERA: I'm going to ask  
 22 the witness to look at what has been  
 23 marked as Exhibit 2.  
 24 (Thereupon, the document was  
 25 marked Defendant's Exhibit 2 for

1 Suarez  
 2 identification, as of this date.)  
 3 BY MS. CABRERA:  
 4 Q. Ms. Suarez, same thing. Take a  
 5 look and let me know when you're ready.  
 6 Okay?  
 7 A. Thank you.  
 8 Okay, I finished reading.  
 9 Q. Do you recognize Exhibit Number 2?  
 10 A. Yes, I do.  
 11 Q. And what do you recognize it to be?  
 12 A. A job evaluation.  
 13 Q. And who gave you this job  
 14 evaluation?  
 15 A. John Wilkinson.  
 16 Q. And do you recall having a  
 17 discussion with him about this evaluation?  
 18 A. No, I don't remember. It must  
 19 have happened, but I don't remember.  
 20 Q. Understood.  
 21 Was it his practice to, to meet  
 22 with you and talk about the evaluations  
 23 when he gave them to you?  
 24 A. It was his practice to be running  
 25 all the time. He was in a hurry all the

1 Suarez  
 2 time. So, it could be that we talked about  
 3 this while we were walking the warehouse.  
 4 But I don't remember.  
 5 Q. In Exhibit Number 2, there are  
 6 references to Sapphire. What is Sapphire?  
 7 A. It's a system, custom system for  
 8 Southern.  
 9 Q. And what kind of system was it?  
 10 What did it --  
 11 A. It was, um, overall system that  
 12 it was used in accounting, in order  
 13 processing, in payables and inventory as  
 14 well.  
 15 Q. I ask you to turn to the last  
 16 page of Exhibit Number 2. Actually, the  
 17 second-to-last page. So, page six of seven  
 18 at the bottom.  
 19 A. Yes.  
 20 Q. Is that your signature?  
 21 A. It is.  
 22 Q. Did you have any problems with  
 23 this evaluation?  
 24 MR. MOSER: Objection as to form.  
 25 THE WITNESS: No. John always

1 Suarez  
 2 wanted me to explain myself more, and  
 3 maybe he thought it was stubbornness,  
 4 but it was the language barrier that  
 5 get in the way.  
 6 MS. CABRERA: Excuse me one  
 7 second.  
 8 THE WITNESS: Uh-hmm.  
 9 MS. CABRERA: The mute button was  
 10 on.  
 11 Lauren, are you there?  
 12 MS. O'CONNOR: Yes, I'm here.  
 13 MS. CABRERA: Okay, sorry about  
 14 that.  
 15 MS. O'CONNOR: That's all right.  
 16 MS. CABRERA: Did you -- I'm  
 17 going to ask the court reporter to  
 18 repeat the last question and last  
 19 answer.  
 20 (Thereupon, the record was read  
 21 back by the reporter as recorded above.)  
 22 BY MS. CABRERA:  
 23 Q. And did you ever tell John that?  
 24 A. Yes.  
 25 Q. And what did he say when you told

33

1 Suarez  
 2 him that?  
 3 A. Sometimes he kid around and, and,  
 4 um, make fun of my accent.  
 5 Q. And how would he make fun of your  
 6 accent?  
 7 A. Repeating, like, the way I say  
 8 words. Nothing -- I didn't feel anything  
 9 derogatory about it. It's just kidding  
 10 around.  
 11 Q. Okay. And in Exhibit Number 2,  
 12 he makes some references to your staff. He  
 13 refers to Maria and her staff.  
 14 Are those the four individuals we  
 15 talked about, Josie, Ena --  
 16 A. 2011, yes.  
 17 Q. Okay. So then it's still Josie,  
 18 Ena, Tatyana and Justin?  
 19 A. Yes.  
 20 MS. CABRERA: I'm going to ask  
 21 that the witness be shown what has been  
 22 marked as Exhibit Number 3.  
 23 (Thereupon, the document was  
 24 marked Defendant's Exhibit 3 for  
 25 identification, as of this date.)

34

1 Suarez  
 2 BY MS. CABRERA:  
 3 Q. Again, Ms. Suarez, as we have  
 4 done with the prior two, take your time,  
 5 and when you're ready let me know.  
 6 Are you ready?  
 7 A. Yes.  
 8 Q. Do you recognize Exhibit Number 3?  
 9 A. Yes, I do.  
 10 Q. And what do you recognize it to be?  
 11 A. This is a job evaluation.  
 12 Q. I ask you to turn to the last  
 13 page, which is four of four at the bottom.  
 14 A. Yes.  
 15 Q. Is that your signature?  
 16 A. It is.  
 17 Q. And who gave you this evaluation?  
 18 A. John Wilkinson.  
 19 Q. And did you and John discuss this  
 20 evaluation at all?  
 21 A. Most probably, but I don't  
 22 remember exactly what they were.  
 23 Q. Was there anything in this  
 24 evaluation that you disputed with John?  
 25 A. No, but, um, if you see the two

35

1 Suarez  
 2 previous evaluations, I was working a new  
 3 system for recording inventory. And he  
 4 thought that I needed to ask for more help,  
 5 but nobody could help me. He thought that  
 6 it was, um, I needed to think outside the  
 7 box. But IT couldn't help me. Other  
 8 states where this process was being worked  
 9 on couldn't help me. So I needed to  
 10 develop it by myself.  
 11 And when he says that that was  
 12 the best year in inventories not only, um,  
 13 accuracy but time, it is true because we  
 14 finished, I finished working on the new  
 15 system, the RF system. So, and maybe -- I  
 16 don't remember, but maybe there was a  
 17 glitch with unsellables that he is talking  
 18 about here. But I'm pretty sure that was  
 19 resolved because I don't remember any  
 20 glitch with unsellables anymore.  
 21 So yes, I -- previously he  
 22 thought that I was not asking for help, but  
 23 I was asking for help. Nobody could help  
 24 me. And I developed the RF system actually  
 25 by myself. Um, there was one person in the

36

1 Suarez  
 2 IT department that helped me with, um, with  
 3 the changes in the Sapphire system in order  
 4 for this new process in inventory taking,  
 5 communicate directly to the system using  
 6 in, in, by Southern. And she did. Her  
 7 name is Olga. I worked perfectly with her.  
 8 Um, so I didn't remember, but now  
 9 I, I remember, like, why he previously said  
 10 that I didn't ask for help or I was not  
 11 thinking outside the box. But, yes, when  
 12 they, this came, the RF system came, like,  
 13 to be working and worked perfectly from  
 14 the, from the first time, um, he realized  
 15 that, you know, that we did it.  
 16 Q. What do you mean, "he realized  
 17 that we did it"?  
 18 A. We did it, that we saved money,  
 19 like paying overtime. Before that we had  
 20 inventories not for weeks -- like entire  
 21 week and weekends. Um, but after this was,  
 22 um, in use, the RF inventory taking in use,  
 23 actually it reduced the time to two days  
 24 for the warehouse workers, Friday and  
 25 Saturday. And Sunday I worked just with my

1 Suarez  
2 team and maybe a couple of warehouse  
3 workers, up to five. So the payroll, the  
4 money, it was considerably, and the time,  
5 the preparation, everything. Even  
6 accounting, we didn't need to pay overtime  
7 for data entry people. Everything was done  
8 in the warehouse in two days.  
9 Q. And, I'm sorry, what, what was  
10 the RF system?  
11 A. The RF system was radio frequency  
12 hand-held devices that communicate the  
13 accounts directly to the Sapphire system  
14 being used by the company.  
15 Q. Understood. Okay.  
16 And was the system before that,  
17 did you have to write it down with pen, on  
18 pen and paper?  
19 A. Pen and paper.  
20 Q. And then what was written on pen  
21 and paper then had to be put into the  
22 system; that's why you needed data entry?  
23 A. Yes.  
24 Q. Understood. So the RF system  
25 took away the need for a data entry person

1 Suarez  
2 to be putting that information in?  
3 A. Yes, up to 30 people getting paid  
4 overtime.  
5 Q. And when you say that you, you  
6 were not getting help, that you couldn't  
7 get help, did you mean that you couldn't  
8 get help in learning the RF system or  
9 implementing the RF system?  
10 A. Both. I want to explain myself.  
11 Like, the RF system was there to be  
12 learned. You know, I, I didn't invent the  
13 RF system.  
14 Q. Okay.  
15 A. Sapphire, it was there. I didn't  
16 invent Sapphire. My work was to make the  
17 RF system working for our custom-made  
18 Sapphire system.  
19 So, I had to -- it was a work in  
20 progress for over a year. Every time I  
21 have to test it myself because I had to  
22 learn by myself how it communicated. Olga  
23 created -- how do you say -- a fictional, a  
24 testing Sapphire system in order for me to  
25 play around. I had to learn and then

1 Suarez  
2 implement, and then Olga helped me putting  
3 it to work.  
4 Q. Okay. And did John recognize --  
5 A. Yes.  
6 Q. -- the value that you brought to  
7 the system?  
8 A. Yes.  
9 Q. I'm going to ask --  
10 A. Everybody -- actually, I'm sorry.  
11 I'm talking out of place here?  
12 Q. Was there something that you  
13 wanted to add to your answer?  
14 A. Greg Risley was the most  
15 outspoken about it. He recognized the, the  
16 savings that the companies were having.  
17 Like, instead of having 300 people working  
18 seven days, including, you know, overtime  
19 and double time and a half, the reduction  
20 to Friday regular hours and to Saturday  
21 maybe half day, it was significant.  
22 Q. And how did he recognize? I  
23 think you said he was the most outspoken.  
24 How did he recognize?  
25 A. We, we had meetings, um, prior

1 Suarez  
2 and after inventories, and both times he,  
3 he praised me, like, really nicely. He  
4 talked to me really nicely in front of  
5 everybody at the meeting.  
6 Q. Who would be present at those  
7 meetings?  
8 A. Accounting and operations.  
9 Q. And who from accounting and  
10 operations?  
11 A. From operations, the VP of  
12 operations, um, the director of operations,  
13 um, sometimes the warehouse manager and I.  
14 From accounting, the controller,  
15 the inventory control manager. And that's  
16 all I remember right now.  
17 Q. Were all of these people either  
18 managers or supervisors?  
19 A. Managers and VPs, and the  
20 controller is the equivalent to a VP.  
21 Q. And how frequent were these  
22 meetings?  
23 A. We did physical inventory up to  
24 six times per year for seven to eight  
25 years. So they were really frequent, like,



<p style="text-align: right;">41</p> <p>1 Suarez</p> <p>2 maybe every two months.</p> <p>3 Q. Okay. And when you say "seven to</p> <p>4 eight years," what years are you talking</p> <p>5 about?</p> <p>6 A. From 2007 to 2014 or '15, we did</p> <p>7 physical inventory up to six times per</p> <p>8 year. When I implemented the RF system, we</p> <p>9 didn't have that need anymore.</p> <p>10 Q. What was the need that you didn't</p> <p>11 have anymore?</p> <p>12 A. To make -- to have inventories</p> <p>13 every two months.</p> <p>14 MS. CABRERA: Got it, okay.</p> <p>15 I'm going to ask the witness be</p> <p>16 shown Exhibit Number 4.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 (Thereupon, the document was</p> <p>19 marked Defendant's Exhibit 4 for</p> <p>20 identification, as of this date.)</p> <p>21 BY MS. CABRERA:</p> <p>22 Q. Are you ready to proceed?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recognize Exhibit Number 4?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">43</p> <p>1 Suarez</p> <p>2 MS. CABRERA: Is it 2113? Okay.</p> <p>3 Yes, sorry, I jumped to the next one.</p> <p>4 Um, you can go to -- okay, you</p> <p>5 can strike the question.</p> <p>6 I'm going to ask the witness be</p> <p>7 shown Exhibit Number 5.</p> <p>8 THE WITNESS: Thank you.</p> <p>9 (Thereupon, the document was</p> <p>10 marked Defendant's Exhibit 5 for</p> <p>11 identification, as of this date.)</p> <p>12 THE WITNESS: Okay, I have read</p> <p>13 it.</p> <p>14 BY MS. CABRERA:</p> <p>15 Q. Do you recognize Exhibit Number 5?</p> <p>16 A. Yes.</p> <p>17 Q. And what do you recognize it to be?</p> <p>18 A. Performance evaluation for 2014.</p> <p>19 Q. I would ask you to look at the</p> <p>20 last page.</p> <p>21 A. Yes.</p> <p>22 Q. And is that your signature there?</p> <p>23 A. It is.</p> <p>24 Q. Okay. And I would ask you to</p> <p>25 look at page six of seven at the bottom.</p>
<p style="text-align: right;">42</p> <p>1 Suarez</p> <p>2 Q. And what do you recognize it to be?</p> <p>3 A. It's a job performance evaluation.</p> <p>4 Q. And who gave you this evaluation?</p> <p>5 A. John Wilkinson.</p> <p>6 Q. And turning your attention to the</p> <p>7 last page, is that your signature?</p> <p>8 A. Yes, it is.</p> <p>9 Q. And did you dispute anything in</p> <p>10 this evaluation with John?</p> <p>11 A. I'm sorry. Dispute? This is how</p> <p>12 he sees me.</p> <p>13 Q. Did you tell John that you</p> <p>14 disagreed with anything he put in your</p> <p>15 evaluation?</p> <p>16 A. No, I never told him or that I</p> <p>17 disagreed with the way he saw me.</p> <p>18 Q. I would like to draw your</p> <p>19 attention to page six of seven on</p> <p>20 Exhibit 4.</p> <p>21 A. It's only five of five.</p> <p>22 Q. On Exhibit Number -- 2114. Let</p> <p>23 me see the first page of what you are</p> <p>24 looking at.</p> <p>25 A. Sure.</p>	<p style="text-align: right;">44</p> <p>1 Suarez</p> <p>2 A. Yes.</p> <p>3 Q. There is a box there that says:</p> <p>4 "Final Comments, Employee Comments. Please</p> <p>5 write any comments or information you wish</p> <p>6 to have documented as a part of this review."</p> <p>7 Do you see that box?</p> <p>8 A. Yes.</p> <p>9 Q. Did you put anything in that box?</p> <p>10 A. I don't remember ever seeing that</p> <p>11 box.</p> <p>12 Q. I'm sorry?</p> <p>13 A. Was it in the other reviews also?</p> <p>14 I don't remember ever seeing that box.</p> <p>15 Q. You're saying when you received</p> <p>16 this evaluation --</p> <p>17 A. No, I'm not saying anything. I</p> <p>18 just don't remember like...</p> <p>19 Q. You don't dispute that that box</p> <p>20 is there?</p> <p>21 A. No, I just don't remember ever</p> <p>22 seeing it.</p> <p>23 Q. Were you aware that you could</p> <p>24 make comments to your performance evaluations?</p> <p>25 A. This is 2014. Maybe in 2016 or</p>

1 Suarez  
 2 '17 I asked if I can write down something.  
 3 But I don't remember knowing -- I just  
 4 received this from John Wilkinson. I read  
 5 it, I signed it. No, at this point, I  
 6 don't think I was aware.  
 7 Q. Of what?  
 8 A. That I could make, um, I don't  
 9 know, make comments on John's comments.  
 10 Q. Okay. I'm going to ask that --  
 11 actually, withdrawn.  
 12 Ms. Suarez, did you receive a  
 13 performance review for 2015?  
 14 A. I don't remember having received  
 15 a review for 2015.  
 16 Q. Did you give your direct reports  
 17 performance reviews in 2015?  
 18 A. No, I did not. They are union.  
 19 Q. When did they become union?  
 20 A. From the beginning.  
 21 Q. So there was never any formal  
 22 performance review process with your direct  
 23 reports?  
 24 A. No. And scratch that from the  
 25 beginning. I think they were hired first

1 Suarez  
 2 and then they became union.  
 3 Q. What is the Warehouse Management  
 4 Information system?  
 5 A. It's a new system that was  
 6 implemented to make the operations more  
 7 efficient.  
 8 Q. And did that replace the RF  
 9 system --  
 10 A. Yes.  
 11 Q. -- in any way? It did, okay.  
 12 What about Sapphire, did it  
 13 replace Sapphire as well?  
 14 A. No, it did not. It was  
 15 implemented as an add-on to Sapphire, like,  
 16 it was the RF inventory taking system.  
 17 Q. And what was different between  
 18 the RF system and WMI?  
 19 A. The WMI was a more inclusive  
 20 system. It worked in many instances  
 21 without people involved at all. Scanners  
 22 on the ceiling instead of a person scanning  
 23 the product.  
 24 Um, not only the system was  
 25 implemented, the warehouse had to be

1 Suarez  
 2 expanded and new conveyor belts and  
 3 scanning stations were applied, video  
 4 scanning at the front of the trucks, you  
 5 know, to count everything. It was a really  
 6 a multimillion dollars improvement. The RF  
 7 system was only my salary.  
 8 Q. I'm sorry?  
 9 A. The RF system only costed my  
 10 salary, that's all.  
 11 Q. Oh. And so how did inventory  
 12 control work under WMI?  
 13 A. The physical inventories once,  
 14 twice, three times a year were replaced by  
 15 daily cycle counts.  
 16 Q. Daily cycle counts?  
 17 A. Yes. Basically, that's how it  
 18 affected me. I didn't have to resolve  
 19 issues every two months, you know, or  
 20 inventory preparation every two months.  
 21 But I was simply, like, giving work to the  
 22 cycle counters and receiving work or  
 23 processing their work for them.  
 24 Q. And was that because the system  
 25 was designed to catch errors in real time?

1 Suarez  
 2 A. Yes.  
 3 Q. And how was it implemented?  
 4 A. How was it implemented? It was a  
 5 huge operation. People, um, came to update  
 6 the, the warehouse, to expand the  
 7 warehouse, um, to construct new shelving,  
 8 expand the receiving area. It was -- I  
 9 think I would say, like, it took like two  
 10 years, year and a half, two years to  
 11 implement a new system.  
 12 Q. And when did -- do you recall  
 13 when it started?  
 14 A. In July 2017.  
 15 Q. July 2017 was when it was fully --  
 16 A. Implemented.  
 17 Q. Okay. Do you know when it was  
 18 first introduced to the warehouse?  
 19 A. In July 2017. You know, it  
 20 was -- um, we saw the scanners, the videos,  
 21 the conveyor belt, but it wasn't  
 22 implemented; it wasn't introduced to the  
 23 warehouse workers before that.  
 24 Q. When did you become aware that  
 25 the Warehouse Management Information system

1 Suarez  
2 would be replacing the RF system?  
3 A. I don't remember, but prior to  
4 July 2017.  
5 Q. If I, if I said that it was in  
6 early 2016, would you dispute that?  
7 A. No. Actually, it was in  
8 January 2016 that Kevin Randall came from  
9 upstate New York to Metro New York in order  
10 to start implementation.  
11 Q. Okay. And was there training in  
12 connection with this new system?  
13 A. It was on, in July 2017. Um,  
14 people from upstate New York came to train  
15 the warehouse workers in Metro New York.  
16 Q. And that happened in July of  
17 2017 --  
18 A. Yes.  
19 Q. -- the training?  
20 A. Yes.  
21 Q. Okay.  
22 A. The taking of the inventory with  
23 the new system, it was done both by  
24 warehouse workers from upstate New York  
25 that had the system already working there

1 Suarez  
2 for years, um, along with warehouse workers  
3 in Syosset, you know, learning for their system.  
4 Q. Okay. When did you receive  
5 training on the new system?  
6 A. I don't remember the date. I was  
7 sent to upstate New York. I think it was  
8 for a week, to work along the warehouse --  
9 I'm sorry, the system administrator up there.  
10 Q. And do you remember that person's  
11 name?  
12 A. Melissa, but I'm not sure.  
13 Q. And was that before July 2017  
14 that you went --  
15 A. Yes.  
16 Q. -- upstate?  
17 A. Yes.  
18 Q. Do you have any sense of how soon  
19 before July 2017 you went upstate?  
20 A. Maybe a month prior to that,  
21 maybe in June.  
22 Q. What was your title at that time  
23 when you went upstate for the training?  
24 A. I don't remember when my title  
25 changed. Actually, I don't remember the

1 Suarez  
2 date. So, it could have been, like,  
3 inventory control manager or WMI  
4 administrator. It could be either one.  
5 Q. When you went to upstate New York  
6 for the training for one week, can you  
7 describe what that training was like?  
8 A. It, it was learning how they, the  
9 cycle counters did the cycle counts. Like,  
10 it was, like, what my job was changing to.  
11 So, maybe I had already the new  
12 title, like, I had already have in the new  
13 position.  
14 I learned how the cycle counts  
15 were performed. I went with the cycle  
16 counters, observing them how they did the  
17 cycle counts. And I worked in the office,  
18 looking at the cycle counts, accepting  
19 cycle counts.  
20 And I then watched how they start  
21 accepting the cycle counts, created  
22 adjustments sent to Sapphire. More or less  
23 it's how the RF system worked, but of  
24 course a complete new system.  
25 Q. And how comfortable were you with

1 Suarez  
2 the new system at the end of that week of  
3 your training?  
4 A. Pretty confident.  
5 Q. And how did you feel about  
6 Melissa as a trainer?  
7 A. Oh, she is excellent.  
8 MS. CABRERA: I'm going to ask  
9 the witness be shown what has been  
10 marked as Exhibit Number 5 (sic).  
11 (Thereupon, the document was  
12 marked Defendant's Exhibit 6 for  
13 identification, as of this date.)  
14 THE REPORTER: It is number six,  
15 not five.  
16 MS. CABRERA: I'm sorry, the  
17 witness was given Exhibit Number 6, not  
18 Exhibit Number 5. Thank you.  
19 THE WITNESS: Okay.  
20 BY MS. CABRERA:  
21 Q. Ms. Suarez, I'm going to direct  
22 your attention on Exhibit Number 6. If you  
23 look at the bottom right-hand corner, there  
24 are little numbers.  
25 A. Uh-huh.

1 Suarez  
 2 Q. And I want you to turn to the  
 3 second page which should have the numbers  
 4 at the bottom, 000899. Let me know when  
 5 you're there.  
 6 A. Okay.  
 7 Q. Have you ever seen Exhibit Number 6?  
 8 A. Yes. This was the posting for  
 9 the position.  
 10 Q. And where did you see the posting  
 11 for the position?  
 12 MR. MOSER: Objection as to form.  
 13 THE WITNESS: I don't remember if  
 14 it was sent to me by email or it was  
 15 sent a link. Um, when Kevin Randall  
 16 told me to apply to this position, he  
 17 told me that it had -- HR sent emails  
 18 every Friday of positions available,  
 19 but I didn't have the email anymore. I  
 20 just used to delete those emails.  
 21 So, I asked HR how can I apply to  
 22 this that Kevin told me that I need to  
 23 apply to this position. And I don't  
 24 remember if they sent me an attachment,  
 25 attachment through email, or it was

1 Suarez  
 2 they sent me a link to apply.  
 3 BY MS. CABRERA:  
 4 Q. And did you get this position?  
 5 A. Yes.  
 6 Q. Okay. And so looking at the page  
 7 where the bottom page number is 899, in the  
 8 middle of the page it says "Core  
 9 Responsibilities."  
 10 Do you see that?  
 11 A. Yes.  
 12 Q. Is what is listed below the core  
 13 responsibilities, are those the  
 14 responsibilities that you actually were  
 15 performing when you got the WMI position?  
 16 A. Okay. I -- partially.  
 17 Q. And I was going to say I want us  
 18 to go line by line, right? And if there is  
 19 something there that you were not doing --  
 20 A. Uh-huh.  
 21 Q. -- tell me what that was, what  
 22 that is. Okay?  
 23 A. Most of this I don't even  
 24 understand.  
 25 Q. Okay.

1 Suarez  
 2 A. But yes, go ahead.  
 3 Q. Okay, so let's start.  
 4 Under "Core Responsibilities," it  
 5 says "Strategy (50%)."  
 6 Do you understand what that means?  
 7 A. Yes.  
 8 Q. What does that mean? What did  
 9 that mean?  
 10 A. That the applicant, you know,  
 11 50 percent of the, the, of the  
 12 consideration of the applicant should be  
 13 focused in this part of strategy.  
 14 Q. Was it your understanding that as  
 15 part of the WMI position, that you would be  
 16 spending 50 percent of your time on strategy?  
 17 A. No, that was not my understanding  
 18 of the position.  
 19 Q. What about if you go further  
 20 down, right, we are on this same page, it  
 21 says "Execution (30%)"? Actually, strike  
 22 my question. You can strike that.  
 23 What was your understanding of  
 24 the responsibilities of the WMI  
 25 administrator when you were applying for

1 Suarez  
 2 the position?  
 3 A. Well, when I was told to apply to  
 4 the position, I was told as well that my,  
 5 my responsibilities were going to be the  
 6 same as I was, in my previous position as  
 7 an inventory control manager. That nothing  
 8 will change.  
 9 Q. Okay. So, your understanding was  
 10 that your responsibilities would be the  
 11 same?  
 12 A. Yes.  
 13 Q. Are those the responsibilities  
 14 that you outlined for me earlier in the  
 15 deposition?  
 16 A. Yes.  
 17 Q. Okay. And is it your position  
 18 that those responsibilities are different  
 19 than the responsibilities laid out in  
 20 Exhibit Number 6?  
 21 A. Yes.  
 22 Q. How are they different?  
 23 MR. MOSER: Objection. Just for  
 24 the record, the witness says she  
 25 doesn't understand what most of these

<p style="text-align: right;">57</p> <p>1 Suarez</p> <p>2 mean. So, over my objection, she can</p> <p>3 answer.</p> <p>4 THE WITNESS: Um, as I told Kevin</p> <p>5 Randall and John Wilkinson, that this</p> <p>6 position, it looks like it's more for</p> <p>7 an IT person than for an accountant.</p> <p>8 And I'm an accountant. And I could</p> <p>9 understand a system; I can train on a</p> <p>10 new system. I can understand and</p> <p>11 implement and train my people to</p> <p>12 working a new system. But I'm not by</p> <p>13 any means a programmer, a computer</p> <p>14 specialist.</p> <p>15 BY MS. CABRERA:</p> <p>16 Q. And what did they say to you in</p> <p>17 response?</p> <p>18 A. That nothing will change, that</p> <p>19 don't even read this. That's what Kevin</p> <p>20 Randall's words were.</p> <p>21 Q. He told you not to read the job</p> <p>22 description?</p> <p>23 A. No, don't pay attention to it.</p> <p>24 When I said to him, like, it looks to me</p> <p>25 that this is for an IT person, a</p>	<p style="text-align: right;">59</p> <p>1 Suarez</p> <p>2 This is the end of media number two.</p> <p>3 (Brief break.)</p> <p>4 THE VIDEOGRAPHER: We are back on</p> <p>5 the record. The time is 12:29 p.m.</p> <p>6 This is the start of media number</p> <p>7 three.</p> <p>8 BY MS. CABRERA:</p> <p>9 Q. Ms. Suarez, I ask that you be</p> <p>10 shown what has been marked as Exhibit</p> <p>11 Number 7.</p> <p>12 A. Uh-huh.</p> <p>13 (Thereupon, the document was</p> <p>14 marked Defendant's Exhibit 7 for</p> <p>15 identification, as of this date.)</p> <p>16 BY MS. CABRERA:</p> <p>17 Q. Again, once you are done with</p> <p>18 that exhibit, please let me know when you</p> <p>19 are ready to proceed.</p> <p>20 A. Okay, I have read the letter.</p> <p>21 Q. Do you recognize number 7,</p> <p>22 Exhibit Number 7?</p> <p>23 A. Yes. I didn't remember until</p> <p>24 now, but that's my signature.</p> <p>25 Q. And what do you recognize Exhibit</p>
<p style="text-align: right;">58</p> <p>1 Suarez</p> <p>2 programmer, not for an accountant, he said</p> <p>3 that nothing will change. Even inventory</p> <p>4 control manager, it's an accounting</p> <p>5 position. It has to -- um, we need to know</p> <p>6 how to work in a computer system, but we</p> <p>7 don't need to understand the computer</p> <p>8 system. I was given no alternative but to</p> <p>9 apply to this position.</p> <p>10 Q. And what do you mean by you</p> <p>11 weren't given an alternative?</p> <p>12 A. No alternative.</p> <p>13 Q. Meaning you wouldn't have a</p> <p>14 different -- there was no other position</p> <p>15 for you, is that what you're saying?</p> <p>16 A. That's what I'm saying, yes.</p> <p>17 MS. CABRERA: We have to go off</p> <p>18 tape. The videographer has to change</p> <p>19 tapes. So if you want to take a break</p> <p>20 now --</p> <p>21 THE WITNESS: Uh-huh.</p> <p>22 MR. MOSER: He is going to change</p> <p>23 the tape?</p> <p>24 THE VIDEOGRAPHER: We are going</p> <p>25 off the record. The time is 12:16 p.m.</p>	<p style="text-align: right;">60</p> <p>1 Suarez</p> <p>2 Number 7 to be?</p> <p>3 A. It looks like an official letter</p> <p>4 from HR, I guess to make official my new</p> <p>5 position.</p> <p>6 Q. And this was the WMI</p> <p>7 administrator position, is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so based on this letter, it</p> <p>10 looks like you started that position in May</p> <p>11 of 2016?</p> <p>12 A. Yes.</p> <p>13 Q. And is that your recollection of</p> <p>14 when you started?</p> <p>15 A. I didn't remember until now, but</p> <p>16 yes.</p> <p>17 Q. Going down to compensation, this</p> <p>18 is -- your annual salary rate will be</p> <p>19 75,000 payable in weekly installments of</p> <p>20 1442.31 each Friday. Was that an increase?</p> <p>21 A. Yes.</p> <p>22 Q. Where was the WMI administrator</p> <p>23 position located?</p> <p>24 A. Syosset.</p> <p>25 Q. And what were your job duties as</p>

1 Suarez  
 2 WMI administrator?  
 3 A. The same as before, I was told,  
 4 but they started to change a little bit, a  
 5 little by little after I took the position.  
 6 Q. Okay. How soon after you took  
 7 the position did your responsibilities  
 8 start to change?  
 9 A. As soon as -- the first time I  
 10 realized was in July 2017. No, July 2016.  
 11 I'm confused with the dates.  
 12 Q. Okay. So, let's go back to  
 13 Exhibit Number 7, right? It's dated  
 14 May 4th of 2016.  
 15 A. Yes.  
 16 Q. Correct? Okay.  
 17 And so, you believe that the  
 18 first change was in July. From your  
 19 recollection, was it, was it within months  
 20 of getting the new position, or was it a  
 21 year after getting the new position?  
 22 A. The question that you asked me  
 23 before, when it was implemented, I said  
 24 July 2017. But I was mistaken. It was  
 25 July 2016.

1 Suarez  
 2 Q. Okay. Okay.  
 3 A. Yes, I started to notice the  
 4 difference in, in my job duties, like, I  
 5 think it was July 2016.  
 6 Q. And tell me what was different.  
 7 A. I wasn't able to reconcile,  
 8 reconcile the physical inventory just  
 9 taken. Other people, like programmers,  
 10 just accepted the numbers. Like, I was not  
 11 in the decision making of the numbers being  
 12 taken. I was an accountant and, and, and  
 13 not be able to, to approve the physical  
 14 inventory. It was hard.  
 15 Q. What else changed?  
 16 A. I don't remember exactly when,  
 17 but, um, other people started, like, um, to  
 18 approve vacations and PTOs. Um, my team  
 19 wasn't not my team anymore. And I would  
 20 still give them work and review their work,  
 21 but the decision making wasn't there  
 22 anymore. Like I, I was always told what to  
 23 do.  
 24 Q. Even with regard to your team?  
 25 A. Yes.

1 Suarez  
 2 Q. What were you specifically told  
 3 what to do with regard to your team?  
 4 A. One thing I remember, but I don't  
 5 remember exactly the date, but for me it  
 6 was a realization that I was not their boss  
 7 anymore, is that I never approved vacation  
 8 for physical inventory. During physical  
 9 inventories everybody has to attend  
 10 physical inventory. My team has to attend  
 11 physical inventory. We are the physical  
 12 inventory team. So, of course it's a sick  
 13 day, that's different. But vacation,  
 14 approve vacation for those days, no. And I  
 15 don't remember if I wasn't there or if I  
 16 was. But Ena didn't come to a physical  
 17 inventory, and Tonisha had approved a  
 18 vacation day for her.  
 19 Q. What were the dates of the  
 20 physical inventory?  
 21 A. I'm sorry, I don't remember.  
 22 Q. Did they change, or was it  
 23 something that was -- was it the same day,  
 24 or was that something that changed?  
 25 A. There were not too many physical

1 Suarez  
 2 inventories at that moment, so it's very  
 3 easy to look in the vacation records for  
 4 Ena and the physical inventories in  
 5 Sapphire. So I don't remember if it was  
 6 July 2016 or January 2017, um, but she got  
 7 a vacation time approved during physical  
 8 inventory.  
 9 Q. How often was physical inventory?  
 10 A. Um, it was replaced by daily  
 11 cycle counts. So, July 2016, when the  
 12 system went live, we took the final  
 13 physical inventory. But in January 2017,  
 14 we had auditors, so we had to perform  
 15 selected physical inventory.  
 16 Q. What else changed about your role  
 17 as WMI administrator from your prior role?  
 18 You said --  
 19 A. Okay. The main thing, it was my  
 20 not being able to analyze the inventory and  
 21 to fix the inventory, to, um, um, to  
 22 prioritize what I need to, to do to solve  
 23 issues. Being told that my threshold for,  
 24 for approving, um, adjustments was \$500,  
 25 that's, that's nothing.



1 Suarez  
 2 Q. What was it before?  
 3 A. No threshold. I talked to  
 4 accounting. I, I talked to the controller,  
 5 I talked to the, um, to my superiors, and  
 6 if I found \$2,000 worth of inventory, I  
 7 made adjustments. I sent an email.  
 8 Actually, there was a loss in the  
 9 company, like, I don't remember exactly the  
 10 date, but I reviewed the loss with the  
 11 insurance company. I was in the decision  
 12 making of how much was it, like, a hundred  
 13 thousand dollars.  
 14 Q. And when was that?  
 15 A. Maybe 2010.  
 16 Q. I believe you said that -- you  
 17 said, "My team was not my team anymore. I  
 18 still gave them work and review work."  
 19 A. Yes.  
 20 Q. Did you still have the authority  
 21 to fire one of the members of your team?  
 22 A. They were not under me anymore.  
 23 I, I wasn't told anything. Once -- one day  
 24 I looked at the -- I don't know if I'm  
 25 saying this correctly, organigram (sic),

1 Suarez  
 2 like the chart, the company chart, and they  
 3 were put under John Wilkinson. They were  
 4 not under me anymore. I don't remember  
 5 exactly which day, the date.  
 6 Q. And where were you on that  
 7 organizational chart?  
 8 A. Under John Wilkinson as well.  
 9 So, me and my, my team, they were not subor  
 10 -- subordinates to me anymore. It changed  
 11 overnight.  
 12 Q. So you are saying when you looked  
 13 at the organizational chart, you and -- and  
 14 are we talking about Ena, Tatyana --  
 15 A. Yes.  
 16 Q. -- Josie and Justin?  
 17 They were on the same line as you?  
 18 A. Yes.  
 19 Q. And do you remember when you  
 20 looked at the organizational chart?  
 21 A. I don't remember exact dates,  
 22 but, you know, things started happening.  
 23 Q. It was -- I'm sorry.  
 24 A. It would be July 2016, it could  
 25 be August 2016.

1 Suarez  
 2 Q. So it was after you took the WMI  
 3 position?  
 4 A. Yes, yes.  
 5 Q. Had you looked at the  
 6 organizational chart when you were  
 7 inventory control manager?  
 8 A. Oh, yes.  
 9 Q. And what did the organizational  
 10 chart look like then?  
 11 A. John Wilkinson, my superior. And  
 12 under me, my team.  
 13 Q. Anything else that changed?  
 14 A. That's all I can remember right  
 15 now. But that's a huge change.  
 16 Q. So what did you do? What was  
 17 your job?  
 18 A. Checking my, I guess, daily cycle  
 19 counts and approving adjustments for up to  
 20 \$500.  
 21 Q. Anything else?  
 22 A. I don't think so, but I have...  
 23 Q. I'm sorry?  
 24 A. Um, that's all I can tell you  
 25 right now. Like, I don't -- it changed.

1 Suarez  
 2 Everything changed. But if you ask me the  
 3 question, I can respond to you. If you ask  
 4 me in general what else changed, that's all  
 5 I remember, I can remember right now. I  
 6 don't remember anything else.  
 7 Q. Okay. So, why don't you explain  
 8 for us, then, what you, what you did do  
 9 when you reported to work as a WMI  
 10 administrator. Walk us through the day.  
 11 What did you do at work?  
 12 A. I got there. Sometimes I helped  
 13 closing the previous night operations. Um,  
 14 sometimes it was already closed, so the  
 15 work was there to give to my people. Um, I  
 16 assigned the work to them, and I reviewed  
 17 in the computer the work they did.  
 18 Many times I went and double  
 19 check counts, and I didn't see the big  
 20 picture anymore. I saw one case, two  
 21 cases. I saw \$500, \$1,000. I didn't know,  
 22 like, what the inventory was worth at the  
 23 time, or how many cases were shipped or --  
 24 I didn't see inventory matters anymore.  
 25 Q. My question is: What did you do

1 Suarez  
 2 during the day at work as a WMI?  
 3 A. Oh, that was it.  
 4 Q. So, you went in, you went into  
 5 your computer --  
 6 A. Sometimes I helped closing the  
 7 last night of operations.  
 8 Q. Okay.  
 9 A. Sometimes it was already closed.  
 10 I give work to my team. I double check  
 11 their work and approve their work.  
 12 Q. Did you do anything else?  
 13 A. (Witness shakes head in the  
 14 negative.)  
 15 Q. And how many hours a day did you  
 16 work?  
 17 A. Eight.  
 18 Q. And that took up eight hours of  
 19 your day?  
 20 A. Yes.  
 21 Q. I believe earlier you said you  
 22 remembered that -- actually, withdrawn.  
 23 Strike that question.  
 24 Before I move on, going back to  
 25 the, your responsibilities as WMI

1 Suarez  
 2 administrator, when -- I believe you said  
 3 you would go into the computer and you  
 4 would see what work was there and you would  
 5 distribute that to your team.  
 6 A. Yes.  
 7 Q. Did you decide who got what work?  
 8 A. No.  
 9 Q. How was that decided?  
 10 A. By the system.  
 11 Q. Explain that to me, please.  
 12 A. Um, in the position they were in  
 13 the warehouse, they went out to the  
 14 warehouse. The only thing I said to them,  
 15 like, um, work is there. It's closed. We  
 16 start counting. So I told one person to  
 17 start in one part of the warehouse, another  
 18 person to start in another part of the  
 19 warehouse. And the system will give them  
 20 -- we take them to the nearest location to  
 21 count.  
 22 Q. And how did you decide who went  
 23 to what side of the warehouse?  
 24 A. Most of the time they said, like,  
 25 "I want to start here today," or, um, that

1 Suarez  
 2 wasn't important. The important part was  
 3 to finish the counts.  
 4 Q. I understand whether it is  
 5 important or not. But my question is: How  
 6 did you decide who went to what part of the  
 7 warehouse?  
 8 A. I'm sorry, I can't answer that  
 9 question because actually I didn't decide.  
 10 Like, the system -- let's say one day the  
 11 system tells me that, um, the racks in the  
 12 cooler room have the most issues in that  
 13 day. So I assigned two people to start  
 14 counting the cooler room.  
 15 Q. Okay.  
 16 A. So, it was no decision making.  
 17 It was -- the work was given to us by the  
 18 WMI system.  
 19 Q. So going off the example that you  
 20 just gave -- right?  
 21 A. Uh-huh.  
 22 Q. -- you are saying the system told  
 23 you you had to send two people to the  
 24 cooler room to perform work. Is that what  
 25 you are telling me?

1 Suarez  
 2 A. No. The system sells me that  
 3 most counts are in the cooler room, so I  
 4 assign two people to the cooler room.  
 5 Q. And my question is: How -- who  
 6 made the decision that it would be two  
 7 people to go to the cooler room?  
 8 A. I'm not understanding your  
 9 question. There was no decision making on  
 10 how many people went to the cooler room or  
 11 anything.  
 12 Q. I'm using your words and your  
 13 example.  
 14 You said that you would look in  
 15 the system and it would tell you that the  
 16 cooler room was where people needed to go  
 17 to work, and that you would send two  
 18 people.  
 19 You had -- there were four  
 20 people, correct? Was it still Ena,  
 21 Tatyana -- we are talking about four  
 22 people?  
 23 A. Uh-huh.  
 24 Q. So my question is: How was it  
 25 decided that it would be two people that

1 Suarez  
2 would go to the cooler room because the  
3 work needed to be done by two people? Who  
4 made that decision?

5 A. It would be my guess that by  
6 reading the numbers, I will make that  
7 decision. But I just tried to even out the  
8 number of counts by the number of people  
9 that I had. At that point, I think I had  
10 five people or six.

11 Q. And who decided of the people  
12 that you had, who made the decision about  
13 who would go do that work?

14 A. I guess I'm not explaining myself  
15 correctly. The system will give them the  
16 next location.

17 Q. Does the system say Ena is going  
18 to go to the cooler room, Tatyana is going  
19 to go to the cooler room? The system tells  
20 you who needs to go where?

21 A. I just said, like, it start by  
22 the four corners of the warehouse or start  
23 by the shipping section of the warehouse  
24 where it's most work. So the system will  
25 give them the next location, the next

1 Suarez  
2 location. It could -- the system could  
3 give them a next locations to all of them,  
4 or if one person, like, step out and goes  
5 to the bathroom, at the moment that person  
6 comes back to the warehouse, the system  
7 will give them a different location. It's  
8 not my decision. The system will give them  
9 the nearest location in need to be cycle  
10 count.

11 Q. And that's after they already  
12 started at the first location, is that  
13 correct?

14 A. Yes.

15 Q. Okay. And who decides that where  
16 the different people are going to go? At  
17 the beginning, who made that decision?

18 A. At the beginning, I guess you  
19 want me to tell you that I make that  
20 decision. Yes, I asked them, "Josie,  
21 please start here, it looks like more  
22 counts are there." Yes.

23 Q. To be clear, I want you to tell  
24 me the truth about what happened.

25 A. Yes.

1 Suarez

2 Q. That is what I want to know.

3 A. I'm telling you the truth. The  
4 truth is that I didn't make decisions. I  
5 will ask the people working as cycle  
6 counters to start in different places of  
7 the warehouse. So the system will give --  
8 it will be more productive so the system  
9 will give them equal number of cycle counts  
10 throughout the date -- throughout the day.

11 Q. So you assigned to the people  
12 where they were going to be working at the  
13 beginning of their shift, and then after,  
14 the system sort of directs.

15 A. Yes.

16 Q. Okay. Did you perform your work  
17 -- was it all on a computer or some sort of  
18 a device?

19 A. Yes, computer and warehouse.  
20 Before, also I used to work the warehouse  
21 looking for whatever discrepancies or  
22 checking, or double checking work.

23 Q. When you say "before," when are  
24 you -- what time period are you talking  
25 about?

1 Suarez

2 A. Before, I was talking my  
3 administrator.

4 Q. But as WMI administrator, you  
5 didn't do that anymore?

6 A. Yes.

7 Q. Yes, you did it or no, you didn't?

8 A. Yes, I did, both on the  
9 computer -- you said, like, how my work was  
10 performed.

11 Q. Uh-huh.

12 A. Both in the computer and  
13 physically walking the warehouse.

14 Q. And what were you looking for  
15 again, for discrepancies?

16 A. And double checking counts.

17 Q. And were -- those were the counts  
18 that were done by the cycle counters?

19 A. Yes.

20 Q. Earlier you mentioned, when I  
21 asked you about training for the WMI  
22 position, you mentioned someone named  
23 Melissa.

24 A. Yes.

25 Q. Was it Melissa Johnson?

1 Suarez

2 A. Is there another last name? I

3 think she use a different last name.

4 Q. Anyone else? Did anyone else

5 train you?

6 A. I asked a question to the

7 programmers, to the people implementing the

8 system. I asked for a textbook guide,

9 something about the system. Um, I asked

10 the other locations where the system was

11 already implemented if they have some sort

12 of manual or guide. But, um, no, they

13 didn't, and I wasn't given anything. But I

14 did ask questions to the programmers.

15 Q. Aside from the one week that you

16 spent with Melissa upstate --

17 A. Yes.

18 Q. -- did she spend any other time

19 training you?

20 A. Oh, yes. She came -- um, when

21 the system was implemented, she came and

22 she trained -- she came -- I think we got

23 the whole cycle counters. So they not only

24 worked with me, but they trained the cycle

25 counters, my people.

1 Suarez

2 Q. And how many times did Melissa

3 spend time training you in particular?

4 A. I think it was another time that

5 she came to train me and John Wilkinson on

6 closing the night operations.

7 Q. What is closing the night

8 operations?

9 A. You know, when all the trucks are

10 gone, like, like, we close the night

11 operations, we, um, in order to start the

12 new day, that's the WMI cycle ends with a

13 shipping. So, it has to be done in our

14 computer by a manager. Usually the night

15 manager does it, but at the beginning of

16 when they implemented the WMI system, the

17 night manager didn't have a chance to do

18 it. It was done, like, by noon the next

19 day.

20 Q. Okay. Any other training

21 sessions with Melissa?

22 A. I think she was there a couple of

23 times, um, but I don't remember very well.

24 I think that she was with me one more time,

25 um, to show me or to try to be more

1 Suarez

2 efficient finishing all the counts that

3 were in the system.

4 Q. So was that five different

5 training sessions with Melissa?

6 MR. MOSER: Objection.

7 THE WITNESS: I think more like

8 four, but I don't remember correctly.

9 For me, it was in May or June 2006.

10 Then in July she came -- when

11 everything started, she came and

12 stayed, like, maybe a month when the

13 cycle counters were there for maybe a

14 week. Um, then she came to train, I

15 think not only me and John Wilkinson

16 but other people, like the night

17 managers. Um, and I think she came

18 again, but I don't remember when or

19 exactly how many times. I think there

20 were four in total.

21 BY MS. CABRERA:

22 Q. And what did you learn from

23 Melissa when she was training you?

24 A. Everything that she was telling

25 me, yes.

1 Suarez

2 Q. And --

3 A. And she couldn't make it more

4 efficient, the counts. That's why we hired

5 two more cycle counters, because I couldn't

6 finish all the counts that were in the

7 system. Like, the counters couldn't finish

8 all the counts that were in the system.

9 And when she came, she trained me and my

10 people, like, to be more efficient, but we

11 ended up hiring two more cycle counters.

12 Q. What else did she train you on?

13 A. That's all I can remember right

14 now.

15 Q. What about the week that you

16 spent with her upstate, what did you learn

17 from her at that time?

18 A. Like I said before, I worked with

19 her -- I saw how she gave work to the cycle

20 counters. I worked with her and the cycle

21 counters in the warehouse. I saw how the

22 cycle counts were performed. I went back

23 and see how she approved the counts and how

24 she assigned more cycle counts to the

25 counters. And that was applied in, in

81

1 Suarez  
 2 Syosset as well.  
 3 Q. Is that everything that you  
 4 learned from her in that week?  
 5 A. Yes, I think so.  
 6 MS. CABRERA: I'm going to ask  
 7 the witness be shown what has been  
 8 marked as Exhibit Number 8.  
 9 (Thereupon, the document was  
 10 marked Defendant's Exhibit 8 for  
 11 identification, as of this date.)  
 12 THE WITNESS: Okay, I have read  
 13 it.  
 14 BY MS. CABRERA:  
 15 Q. So Exhibit Number 8 appears to be  
 16 an email string. So I'm going to start  
 17 from the bottom up. Okay?  
 18 At the bottom there appears to be  
 19 an email from you to John Wilkinson.  
 20 A. Yes.  
 21 Q. Do you remember sending him this  
 22 email?  
 23 A. I didn't until now that I read it.  
 24 Q. And so can you explain what was  
 25 going on here?

82

1 Suarez  
 2 A. It says sitting with Daniel. I  
 3 don't remember Daniel, but there was one  
 4 person that want me, that want me to learn  
 5 how he did his job in some other state.  
 6 This wasn't in, in upstate New York.  
 7 Q. Okay.  
 8 A. I think it was how he did his  
 9 work in California, if I remember  
 10 correctly. So, he want me to go behind my  
 11 cycle counters every single count. And I  
 12 wanted to learn more. Like, I had already  
 13 learned that from Melissa. I want to learn  
 14 more about the system. And I found it  
 15 counter- productive going behind my cycle  
 16 counters when Melissa showed me how to  
 17 check the counts and if I see any  
 18 discrepancy or I thought that they were  
 19 incorrect, go and check by myself. I  
 20 didn't have to go and be behind my cycle  
 21 counters.  
 22 First of all, there were cycle  
 23 counters, four cycle counters and only one  
 24 me. So, yeah, and I guess he complained to  
 25 John Wilkinson and I explained myself to

83

1 Suarez  
 2 John Wilkinson.  
 3 Q. So is this why you sent him,  
 4 John, this email?  
 5 A. It must be. Maybe there is  
 6 another email before this.  
 7 Q. On the second line, the address  
 8 is -- you address what you just shared,  
 9 right?  
 10 A. Uh-huh.  
 11 Q. That he wanted you to cherry pick  
 12 or count behind cycle counters. You say  
 13 also that "I am wasting man hours putting  
 14 Justin to recount behind the others."  
 15 A. Yes, because he wanted me -- the  
 16 way I was doing it up to now, then, is the  
 17 way Melissa showed me how she did it  
 18 upstate. I don't remember how many -- I  
 19 think she had three people upstate. She  
 20 put two people doing basic counts and one  
 21 person behind those two people to recount  
 22 or to double check. And I'm double  
 23 checking only one people, one person.  
 24 He told me, if I remember  
 25 correctly, that the way I was putting

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1 Suarez  
 2 Justin behind the other three cycle  
 3 counters, I was wasting man hours, that  
 4 that should be my, my position; I should be  
 5 going behind my cycle counters.  
 6 Q. And did John discuss this with you?  
 7 A. Um, must be either, um, um, um, a  
 8 previous email or a phone conversation. It  
 9 must be a previous email because I replied  
 10 to him with an email.  
 11 Q. And where do you see that you are  
 12 replying to him with an email?  
 13 A. Because that subject doesn't  
 14 sound like me, "sitting with Daniel."  
 15 Q. How did you and John communicate?  
 16 Was it via email? Did you talk on the  
 17 phone? Did you talk in person?  
 18 A. By this time, it was not much  
 19 communication. Until 2014 or the end of  
 20 2013, I think we communicated by phone,  
 21 like, three, four times a day. He was --  
 22 he was always asking me questions.  
 23 Q. Do you remember talking to John  
 24 about this specific email?  
 25 A. No, I don't.



1 Suarez  
 2 MS. CABRERA: I'm going to ask  
 3 that the witness be given what has been  
 4 marked as Exhibit Number 9.  
 5 (Thereupon, the document was  
 6 marked Defendant's Exhibit 9 for  
 7 identification, as of this date.)  
 8 THE WITNESS: Okay, I have read  
 9 it.  
 10 BY MS. CABRERA:  
 11 Q. Do you recognize Exhibit Number 9?  
 12 A. Yes.  
 13 Q. And what do you recognize this to  
 14 be?  
 15 A. Yes, this is an email that John  
 16 sent to me -- a memorandum that John  
 17 Wilkinson sent to me. I think it was given  
 18 to me in person. I think Beth, the HR  
 19 director, was there at that moment.  
 20 Q. So if you look at the first page,  
 21 right --  
 22 A. Uh-huh.  
 23 Q. -- at the top it says to Maria,  
 24 from Elizabeth Toohig.  
 25 Was Elizabeth the HR person?

1 Suarez  
 2 A. Yes.  
 3 Q. The email says: "I have attached  
 4 the performance expectations we reviewed on  
 5 Friday."  
 6 A. Yes. So she was there and we  
 7 talked about it and she sent a signed copy  
 8 to me afterwards.  
 9 Q. So was this an in-person meeting?  
 10 A. Yes.  
 11 Q. And where did this meeting occur?  
 12 A. In John Wilkinson's office.  
 13 Q. How long did the meeting last?  
 14 A. I don't remember.  
 15 Q. Was it an hour or more or less?  
 16 A. Yes, it could be an hour. But it  
 17 could be more or less. I don't remember.  
 18 Q. Well, what did you talk about at  
 19 the meeting?  
 20 A. I think this -- when I told them  
 21 that, you know, I, we weren't able to  
 22 finish all the counts. Not only that the  
 23 waves from previous night operations were  
 24 open until, like, the afternoon, so we  
 25 couldn't start counting the counts in the

1 Suarez  
 2 system until then, but, um, I wasn't able  
 3 to, to review all the counts. I wasn't  
 4 able to, um, and I explained to them that,  
 5 um, I didn't -- they told me about, um --  
 6 this is what I remember.  
 7 Q. Sure.  
 8 A. Negative adjustments. I didn't,  
 9 I didn't wipe out inventory out of the  
 10 system. I just prevented; I put it aside.  
 11 We call it the off-premise packet. I put  
 12 it aside in order for the sales force not,  
 13 not to see it so they couldn't order --  
 14 they couldn't be back-ordered, so we didn't  
 15 have customers' complaints.  
 16 We -- but this time we had a lot  
 17 of customer complaints. You know, product  
 18 was not being shipped, product is lost.  
 19 Um, the warehouse workers are still  
 20 learning the, all the functions. Product  
 21 get lost in the system from the receiving  
 22 platform to the location. All sort of  
 23 things are happening right now.  
 24 The night operations, like I told  
 25 you before, is not being closed until the

1 Suarez  
 2 afternoon the following day. Until then,  
 3 customers can't enter orders. Customer  
 4 service is doing nothing, can't enter orders.  
 5 So, um, Steven from upstate, he,  
 6 he was John Wilkinson's counterpart in  
 7 upstate New York. Um, he came with a  
 8 solution how to assign counts to the cycle  
 9 counters in order to start counting, not  
 10 waiting for, um, the system, um, to give us  
 11 count, but, you know, put the counters to  
 12 work.  
 13 Q. And is that the attachment --  
 14 A. Yes.  
 15 Q. -- that is the page, the cycle  
 16 counters position?  
 17 A. Yes, and this actually worked.  
 18 Q. And what about -- I want to  
 19 direct your attention to the first  
 20 paragraph of the memo and the last three  
 21 lines. It says: "It was repeatedly  
 22 brought to my attention that you spent very  
 23 little time at the WMI desk interacting  
 24 with the experts and was uncooperative  
 25 during training and indicating that you



1 Suarez  
 2 were confident you had master the new  
 3 process for inventory control."  
 4 What was your -- let me ask you a  
 5 question. What was your response to John  
 6 about that?  
 7 A. I don't remember what was my  
 8 response to John. But I think this is  
 9 about the other memo that you showed me  
 10 before, "sitting with Daniel."  
 11 Actually, I was following -- I  
 12 don't remember Daniel. But I remember,  
 13 like, the situation a little bit, like  
 14 where I explained to John on the previous  
 15 memorandum. Um, but I was doing what  
 16 Melissa was training me to do. And  
 17 actually the system -- but at this point,  
 18 waiting for the system to give us work is,  
 19 is, it was out of control and it's not that  
 20 I mastered the system. It's just that  
 21 everything that was told to me, I learned  
 22 it.  
 23 Q. So you disagreed with you being  
 24 described as uncooperative?  
 25 A. Yes, I disagree.

1 Suarez  
 2 Q. I'm going to ask you to turn to  
 3 the second page of the memorandum.  
 4 A. Yes.  
 5 Q. One, two, three lines down, in  
 6 the middle, it says: "Melissa Johnson,  
 7 Danny Layman and Manny Porras will continue  
 8 to offer you training and guidance."  
 9 Were those -- does that refresh  
 10 your recollection as to the names of the  
 11 people who came to the warehouse to train?  
 12 A. I remember Melissa very well. I  
 13 don't remember Danny. I guess that's the  
 14 same Daniel from the other memorandum. And  
 15 I don't remember Manny Porras. Maybe those  
 16 are the programmers that I asked for a  
 17 manual or a guide. Maybe -- I'm sorry, I  
 18 don't remember, but I did talk to the  
 19 programmers.  
 20 Q. And is this your signature?  
 21 A. Yes.  
 22 Q. And how did this meeting end?  
 23 A. I don't remember. I guess I went  
 24 back to my job.  
 25 Q. When it ended, did you feel that

1 Suarez  
 2 John had listened to your explanations  
 3 about what was happening?  
 4 A. I don't remember how I felt. I  
 5 don't remember John listening to my  
 6 explanations. I, of course I did explain  
 7 myself. Um, Beth was there every time I  
 8 had a meeting. I think by this point it  
 9 was my second meeting with Beth present, or  
 10 the first. I don't remember.  
 11 I will always offer to work  
 12 better. Like, when I was offered these  
 13 directions from Steve from upstate, I was  
 14 very grateful. I was very grateful every  
 15 time Melissa was there to train me and be  
 16 faster, more productive. She was a great  
 17 help. And she realized that things were  
 18 really bad when we just started. And she  
 19 told me then when they started in upstate,  
 20 it was very difficult as well.  
 21 Q. Do you know how long upstate had  
 22 already been using the WMI?  
 23 A. More than five years. So she was  
 24 an expert.  
 25 Q. Direct -- the first page, the

1 Suarez  
 2 email, is dated Tuesday, September 6th of  
 3 2016.  
 4 A. Uh-huh.  
 5 Q. Was this before or after you gave  
 6 your deposition testimony in the Sanjous  
 7 case?  
 8 A. I, I don't have the, the dates in  
 9 front of me, but I think it's before.  
 10 MS. CABRERA: We are out of  
 11 premarked exhibits. Can you go off the  
 12 record for a minute?  
 13 THE VIDEOGRAPHER: Sure.  
 14 We are going off the record. The  
 15 time is 1:30 p.m. This is the end of  
 16 media number three.  
 17 (Brief break.)  
 18 THE VIDEOGRAPHER: We are back on  
 19 the record. The time is 1:38 p.m.  
 20 This is the start of media number four.  
 21 MS. CABRERA: I ask the witness  
 22 be given what has been marked as  
 23 Exhibit Number 10.  
 24 (Thereupon, the document was  
 25 marked Defendant's Exhibit 10 for

1 Suarez  
 2 identification, as of this date.)  
 3 THE WITNESS: Thank you.  
 4 BY MS. CABRERA:  
 5 Q. Ms. Suarez, take a look at  
 6 Exhibit Number 10, and as we have been  
 7 doing, let me know when you're ready  
 8 proceed. Okay?  
 9 A. Okay.  
 10 Q. Exhibit Number 10 appears to be  
 11 an email string. So at the bottom it looks  
 12 like an email was sent to you from  
 13 scans@southernwine with the attachment  
 14 that's page two. Is that correct?  
 15 A. Yes. Some sort of text, is my  
 16 guess, because it looks like I'm responding  
 17 to an email.  
 18 Q. Understood.  
 19 A. Okay.  
 20 Q. Looking at the second page at the  
 21 top, there's some handwritten notes.  
 22 A. Yes.  
 23 Q. Do you know who put those notes  
 24 there?  
 25 A. It looks like my handwriting.

1 Suarez  
 2 Q. Okay. And then sort of to what  
 3 you were getting at, right at the top, you  
 4 are writing to John?  
 5 A. Uh-huh.  
 6 Q. So can you just explain for us  
 7 what was going on here, what happened?  
 8 A. It looks like I wanted to explain  
 9 myself that, um, it's not because I was  
 10 lacking in effort or, or my work ethic  
 11 wasn't there anymore. It was just because  
 12 the amount of errors that were in the  
 13 system were amounting to like -- Melissa  
 14 was helping and she was an expert and she  
 15 couldn't clear everything that was there.  
 16 Q. So, did you feel that you were  
 17 being held responsible for something that  
 18 was not in your control?  
 19 A. Maybe I felt that -- that John  
 20 was thinking that I wasn't making an  
 21 effort.  
 22 Q. And the second page here, right,  
 23 the attachment that you --  
 24 A. Yes.  
 25 Q. -- received, what is this? Can

1 Suarez  
 2 you explain to us what this is?  
 3 A. I think, um, this was made by  
 4 Melissa. This is how she worked in  
 5 upstate. That's what she usually does.  
 6 Like, but the errors she finds in upstate  
 7 system, she told me it was two or three  
 8 errors. Like, ours was mounting to  
 9 thousands of errors.  
 10 Q. So was this -- was the attachment  
 11 a to-do list for you to follow?  
 12 A. Yes. And I worked with her,  
 13 like, for I guess a couple of weeks doing  
 14 this.  
 15 Q. Okay.  
 16 A. Or maybe a week. I don't  
 17 remember exactly, but she was there.  
 18 Q. When you say you were working  
 19 with her on this, were you working with her  
 20 on putting together the attachment --  
 21 A. No.  
 22 Q. -- or she gave this to you and  
 23 you were working with it?  
 24 A. Yes.  
 25 Q. And communicating with her?

1 Suarez  
 2 A. It's like Steven from upstate,  
 3 she -- he gave me guides for the cycle  
 4 counters to work. She gave me days to  
 5 follow how -- this is how she worked  
 6 upstate, I understood at that point.  
 7 Q. Okay.  
 8 A. And I was trying to copy her,  
 9 whatever she did upstate.  
 10 Q. Got it. So, these were all the  
 11 tasks that you needed to do?  
 12 A. Yes.  
 13 MS. CABRERA: Okay. I'm going to  
 14 ask the witness be shown Exhibit  
 15 Number 11.  
 16 (Thereupon, the document was  
 17 marked Defendant's Exhibit 11 for  
 18 identification, as of this date.)  
 19 THE WITNESS: Thank you very  
 20 much. Yes, I do remember this.  
 21 BY MS. CABRERA:  
 22 Q. Can you explain to me what was  
 23 going on here?  
 24 A. They wrote me up.  
 25 Q. And why did they write you up?

1 Suarez  
 2 A. They wrote me up because after I  
 3 had worked for ten years Saturdays and  
 4 Sundays by myself, one Saturday I couldn't  
 5 work.  
 6 Q. Let's, let's go through the  
 7 document together. Okay?  
 8 So, in the middle there is, there  
 9 is a box in the middle and it says: "June,  
 10 July and then October through December" --  
 11 A. Uh-huh.  
 12 Q. -- "is the busiest time of year  
 13 for Southern Glazer's Wine and Spirits.  
 14 All management employees are required to  
 15 work at least one weekend shift or as  
 16 needed. As the WMI Administrator you were  
 17 required to work any shift either Saturday,  
 18 October 29th or Sunday, October 30th and  
 19 you failed to report to work on both days."  
 20 And I think you just said, right,  
 21 after ten years, you couldn't work a  
 22 Saturday, and that was why you got written  
 23 up, is that correct?  
 24 A. Yes.  
 25 Q. According to this warning, you

1 Suarez  
 2 had the option of either working the  
 3 Saturday or the Sunday. Is that correct?  
 4 A. It was never a schedule. It was  
 5 never a choice. On Friday, like, um, it  
 6 wasn't even John Wilkinson. Kevin Randall  
 7 came to the Blue Room where I was working,  
 8 Blue Room Number 1, and told me that I --  
 9 he heard, I guess through Barry  
 10 Finkelstein -- it's just my guess, but he  
 11 told me that he heard that I wasn't coming  
 12 the next day to work, Saturday. This was  
 13 Friday.  
 14 Q. Okay.  
 15 A. And I said to him, "As you know,  
 16 my parents are here. I'm picking them up  
 17 tonight from the airport. And I can't  
 18 leave them alone, especially it's the first  
 19 day." And, and that was it.  
 20 And he said I didn't appreciate  
 21 my job. And I tried to explain, I tried to  
 22 reason with him, to reason with him that I  
 23 have been working Saturdays and Sundays, no  
 24 complaints, never. No complaints, no  
 25 remuneration. And I needed to pick up my

1 Suarez  
 2 parents, elderly parents, from the airport.  
 3 And he said I didn't appreciate  
 4 my job. And the following Monday, I guess,  
 5 I get this write-up. It's not that I  
 6 didn't show, something that it was  
 7 scheduled and I didn't show. It was never  
 8 scheduled. It was never told to me.  
 9 Um, I don't know what else to  
 10 say. They didn't tell me anything about  
 11 it, and it wasn't scheduled so it's not  
 12 that I didn't show up. And these dates  
 13 that I was required to work Saturday or  
 14 Sunday, I wrote down never scheduled  
 15 because it is true. And I told Beth and  
 16 John right there that this was never  
 17 scheduled.  
 18 Q. Who gave you this warning?  
 19 A. John and Beth were there in  
 20 John's office.  
 21 Q. And when they gave you this  
 22 warning, did they question you at all?  
 23 A. Question me, like, why I couldn't  
 24 come into work?  
 25 Q. Did they pose any questions to

1 Suarez  
 2 you about you not coming to work that  
 3 weekend?  
 4 A. I don't remember. I, I only  
 5 remember me being upset, um, especially  
 6 when Beth asked me if I have sport event or  
 7 concert tickets to justify my not coming to  
 8 work that Saturday, and I told her that I  
 9 could show her airplane tickets for my  
 10 parents, yes, I was very upset.  
 11 Q. Do you know why she was asking  
 12 you about concert tickets or sport tickets?  
 13 A. It's only my guess that some  
 14 other managers or supervisors in the  
 15 warehouse didn't come to work that Saturday  
 16 and they showed event tickets, or they told  
 17 somebody that they had a football game or  
 18 something. It's only my guess. I, I  
 19 don't, I don't know for sure what happened  
 20 or why she asked me those questions.  
 21 MS. CABRERA: Okay. I'm going to  
 22 ask the witness be shown what has been  
 23 marked as Exhibit Number 12.  
 24 (Thereupon, the document was  
 25 marked Defendant's Exhibit 12 for

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1 Suarez

2 identification, as of this date.)

3 BY MS. CABRERA:

4 Q. Do you recognize Exhibit Number 12?

5 A. I haven't...

6 Q. Would you like to take a minute?

7 A. Yes. Can we take our break right

8 now?

9 Q. Yes. Is that what you would like

10 to do?

11 A. Yes.

12 Q. How long do we want to take?

13 MS. CABRERA: Let's go off the

14 record.

15 THE VIDEOGRAPHER: We are going

16 off the record. The time is 1:52 p.m.

17 This is the end of media number four.

18 (Brief break.)

19 THE VIDEOGRAPHER: We are back on

20 the record. The time is 2:47 p.m.

21 This is the start of media number five.

22 BY MS. CABRERA:

23 Q. Thank you.

24 Ms. Suarez, you understand that

25 you are still under oath, right?

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1 Suarez

2 A. Yes.

3 Q. Okay. Before we took our break,

4 I gave you Exhibit Number 12 to review. So

5 if you could please put Exhibit Number 12

6 in front of you and let me know when you

7 have had the opportunity to review it.

8 A. Yes.

9 Q. Do you recognize Exhibit Number 12?

10 A. Yes.

11 Q. The bottom looks to be an email

12 from you to NYM-inventory control. Do you

13 see that?

14 A. Yes.

15 Q. And so, can you explain for me

16 what this is that, that you sent to NYM-

17 inventory control?

18 A. I was supposed to send my

19 adjustments to that group.

20 Q. And is this something you did

21 daily?

22 A. A few times a day.

23 Q. And then above there is a

24 response from Eric Meyer. Do you see that?

25 A. Yes.

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1 Suarez

2 Q. Do you know who Eric Meyer is?

3 A. Yes, I remember him.

4 Q. What was his job?

5 A. I'm not sure. He was from

6 Florida, I understood. He was from the

7 corporate offices.

8 Q. I want you to read -- you don't

9 have to read it out loud but sort of read

10 it to yourself, Eric's message.

11 A. Yes.

12 Q. And what I want to know from his

13 message is if there is anything incorrect

14 about what he is saying.

15 A. No.

16 Q. Okay.

17 A. Actually, he told me, and Melissa

18 told me that we were having the same issues

19 upstate had when they started with WMI.

20 All these adjustments, every cycle count is

21 one adjustment. Every, um, um, every

22 moment our warehouse man scans one case or

23 a scanner scans one case, it's an

24 adjustment.

25 So accounting was having trouble

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1 Suarez

2 analyzing all these adjustments daily. And

3 what he said is true, it's true, and I

4 tried to complying as much as possible

5 especially with large amounts. And here is

6 only one example, but there were so many

7 other instances and with smaller amounts.

8 MS. CABRERA: Okay. I'm going to

9 ask that the witness be given what has

10 been marked as Exhibit 13.

11 (Thereupon, the document was

12 marked Defendant's Exhibit 13 for

13 identification, as of this date.)

14 THE WITNESS: Thank you.

15 Okay, I read it.

16 BY MS. CABRERA:

17 Q. Do you recognize Exhibit Number 13?

18 A. Yes.

19 Q. And what do you recognize about it?

20 A. It was a memo sent by John

21 Wilkinson to me.

22 Q. And did you -- and did you meet

23 with John in person about this memo?

24 A. I don't remember, but I must have

25 because my signature is there.

<p style="text-align: right;">105</p> <p>1 Suarez</p> <p>2 Q. And the first line, it says that</p> <p>3 "This memo serves as a follow up to our</p> <p>4 conversation on December 16, 2016."</p> <p>5 Did you have a conversation with</p> <p>6 John on December 16th of 2016?</p> <p>7 A. I don't remember having one, but</p> <p>8 I must have.</p> <p>9 Q. Well, when you received this memo</p> <p>10 and it says, "This memo serves as a follow</p> <p>11 up to our conversation" --</p> <p>12 A. Yes.</p> <p>13 Q. -- "on December 16" --</p> <p>14 A. So that's why I say I must have</p> <p>15 meet with him on that date, yes.</p> <p>16 Q. So you don't remember it and you</p> <p>17 don't dispute that --</p> <p>18 A. That's correct.</p> <p>19 Q. Understood, thank you.</p> <p>20 Um, does the memo accurately</p> <p>21 reflect what you talked about on</p> <p>22 December 16th of 2016?</p> <p>23 MR. MOSER: Objection.</p> <p>24 THE WITNESS: I don't remember,</p> <p>25 but, um, all these points are in</p>	<p style="text-align: right;">107</p> <p>1 Suarez</p> <p>2 for the daily checklist by December 30, 2016."</p> <p>3 Did you do that? Did you prepare</p> <p>4 a proposal for the daily checklist?</p> <p>5 A. I don't remember. I don't</p> <p>6 remember what was asked or what kind of</p> <p>7 daily checklist is asked, was asked.</p> <p>8 Q. Okay.</p> <p>9 A. I guess all the counts or all the</p> <p>10 discrepancies or issues that were in the</p> <p>11 system against the things that were</p> <p>12 corrected that day. But it's only a guess</p> <p>13 at this point.</p> <p>14 Q. And then starting at the bottom</p> <p>15 of page two and continuing on to page three --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- there are three bullet points</p> <p>18 that list your responsibilities as WMI</p> <p>19 administrator.</p> <p>20 A. Yes.</p> <p>21 Q. Did John list any responsibilities</p> <p>22 in this document that you believed were not</p> <p>23 your responsibilities?</p> <p>24 A. No, I don't think so, and I was</p> <p>25 doing all that.</p>
<p style="text-align: right;">106</p> <p>1 Suarez</p> <p>2 accordance with the tasks given by</p> <p>3 Melissa, this attachment over here</p> <p>4 (indicating). So I started working on</p> <p>5 that since October 26th.</p> <p>6 BY MS. CABRERA:</p> <p>7 Q. Okay. So, you're saying that --</p> <p>8 I just want to make sure I understand what</p> <p>9 you're saying, okay?</p> <p>10 A. Uh-huh.</p> <p>11 Q. So if I'm wrong, you can tell me</p> <p>12 I'm wrong.</p> <p>13 Um, so are you saying that the</p> <p>14 tasks that are being addressed in</p> <p>15 Exhibit 13 are the ones that were attached</p> <p>16 to Exhibit 10?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Um, and then I'm going to</p> <p>19 ask you to turn -- well, actually, on the</p> <p>20 second page, in the middle of the page,</p> <p>21 there is a paragraph that starts: "At the</p> <p>22 end of every day."</p> <p>23 A. Yes.</p> <p>24 Q. Okay. The last line in that</p> <p>25 paragraph says: "Please submit a proposal</p>	<p style="text-align: right;">108</p> <p>1 Suarez</p> <p>2 Q. And at the bottom of the page</p> <p>3 there is a signature. Is that your</p> <p>4 signature on the left?</p> <p>5 A. Yes.</p> <p>6 Q. After you received this document,</p> <p>7 did you meet with John weekly?</p> <p>8 A. I meet with him and Tonisha</p> <p>9 Durant a few times. I don't remember if it</p> <p>10 was weekly.</p> <p>11 MS. CABRERA: I'm going to ask</p> <p>12 the witness be given what has been</p> <p>13 marked as Exhibit Number 14.</p> <p>14 (Thereupon, the document was</p> <p>15 marked Defendant's Exhibit 14 for</p> <p>16 identification, as of this date.)</p> <p>17 THE WITNESS: Okay, I have read</p> <p>18 it.</p> <p>19 BY MS. CABRERA:</p> <p>20 Q. Do you recognize Exhibit Number 14?</p> <p>21 A. Yes, I think this was before or</p> <p>22 at the same time as the previous memo.</p> <p>23 Q. Are you saying that you got, you</p> <p>24 got it together, this, with the memo?</p> <p>25 A. Yes.</p>

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1 Suarez  
 2 Q. I'm going to ask that you turn to  
 3 the last page.  
 4 A. Uh-huh.  
 5 Q. Um, in the box where it says  
 6 "Employee Statement," the box checked off  
 7 says: "I disagree with employer's  
 8 statement. Please explain below." And  
 9 below, it was written in "reviewing  
 10 document."  
 11 A. Yes.  
 12 Q. Is that your note in there,  
 13 "reviewing document"?  
 14 A. Yes.  
 15 Q. Okay. Can you tell me today what  
 16 it is that you disagree with in Exhibit  
 17 Number 14? And, and just so that I want to  
 18 make sure we get everything, that we start  
 19 from the beginning.  
 20 A. Yes.  
 21 Q. So start from the first page and  
 22 you can walk me through each paragraph and  
 23 tell me, you know, where there is something  
 24 that you disagree with.  
 25 A. There must be an email in

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1 Suarez  
 2 response to this, um, to John Wilkinson  
 3 and/or, or to Beth or Tonisha or to all of  
 4 them.  
 5 Q. Okay.  
 6 A. I, I explained every single  
 7 point. This was October, November and  
 8 December. There was so many mistakes,  
 9 errors made, but not by the system but the  
 10 people managing or working in the system.  
 11 I was trying to do my best, and  
 12 that's what I explained to John. But when  
 13 I have thousands of issues every day and  
 14 I'm supposed to double check the cycle  
 15 counters' work and be in the warehouse  
 16 floor constantly, which I did, um, we  
 17 needed more help. And I did ask Tonisha to  
 18 take some of these issues, and she did  
 19 help. She did sometimes closings, she did  
 20 sometimes -- everything that was to be done  
 21 in the computer, she helped, so I had more  
 22 time to be on the floor.  
 23 Everybody helped and, and if  
 24 there were issues, they were resolved in  
 25 January because in January everything

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1 Suarez  
 2 calmed down, and while I prepare for  
 3 inventory all the issues were resolved.  
 4 Q. When you say that Tonisha helped,  
 5 was that before or after you got Exhibit  
 6 Number 14?  
 7 A. I think she always helped.  
 8 Q. Okay. Looking at the first  
 9 paragraph, okay, it says: "On September 2,  
 10 2016 you and I met with," HR, "Human  
 11 Resources to review performance  
 12 expectations in your new role as WMI  
 13 Administrator. I explained at the time  
 14 that you had not been cooperative with the  
 15 WMI subject matter experts that had been  
 16 brought in for training and initial set  
 17 up."  
 18 Did you discuss that with John,  
 19 this continued issue that you --  
 20 A. It wasn't a continued --  
 21 Q. Let me just finish.  
 22 A. Sorry.  
 23 Q. Let me rephrase.  
 24 He keeps bringing it up.  
 25 A. Uh-huh.

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1 Suarez  
 2 Q. Okay? And so my question to you  
 3 is -- here we are, this is now January,  
 4 right?  
 5 A. Yes.  
 6 Q. It's about six months into the  
 7 implementation. Okay. And he is still  
 8 saying that you have not been cooperative  
 9 with the WMI subject matter experts.  
 10 Did you discuss that with him?  
 11 A. I don't remember, but I must  
 12 have. At this point, there were no more  
 13 people from other places in the warehouse,  
 14 so he went back to the original email, I  
 15 guess, about Daniel. Um, I don't remember  
 16 the subject, "siting with Daniel," which is  
 17 Exhibit 8.  
 18 And, as I said before, all these  
 19 bullet points on the memorandum is, it was  
 20 already addressed by Melissa giving me the  
 21 tasks, the weekly and daily tasks to perform.  
 22 And if we go back to  
 23 December 2016, I'm pretty sure we can find  
 24 thousands of errors. And, like I explained  
 25 to, to John, if you can only pinpoint a few



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1 Suarez  
 2 of them, my performance is excellent  
 3 because I'm solving all these thousands of  
 4 errors, and you can only find maybe six  
 5 errors that I wasn't able to solve.  
 6 That was my explanation. And  
 7 Tonisha was there, Beth was there, and I  
 8 think there is an email explaining every  
 9 single point here.  
 10 Q. Okay. But I'm asking you today  
 11 to explain it to me.  
 12 A. I don't remember. I don't even  
 13 remember these -- um, this is very technical.  
 14 Q. Okay. Well, let me try to ask  
 15 this question differently, Ms. Suarez.  
 16 This is -- Exhibit Number 14 is  
 17 about maybe the fourth or fifth time John  
 18 is referring to you as being uncooperative  
 19 with the people who are helping, okay, who  
 20 helped, right?  
 21 A. Uh-huh.  
 22 Q. My question to you is: What did  
 23 you say to John in response to that issue?  
 24 Specifically that issue, that's all I want  
 25 to talk about. The issue about you being

114

1 Suarez  
 2 uncooperative with the trainers, what did  
 3 you say to him?  
 4 A. I don't remember very well right  
 5 now. There must be an email answering his  
 6 memo from me to him, but I'm -- all I can  
 7 tell you right now, that all these three or  
 8 four times he is referring to the same  
 9 issue with Daniel. I don't think Melissa  
 10 can say that I was uncooperative and I  
 11 didn't cooperate with her, um, that I  
 12 didn't do what she told me to do, that I  
 13 didn't follow her assignments, daily and  
 14 weekly assignments. Um, I can only guess  
 15 right now that every time he refers to  
 16 that, he goes back to the email, "sitting  
 17 with Daniel."  
 18 Q. Okay. Even though -- and each  
 19 time he refers to it, he refers in plural;  
 20 he says "experts."  
 21 MR. MOSER: Object.  
 22 BY MS. CABRERA:  
 23 Q. He doesn't say "expert." You  
 24 still think he is just talking about  
 25 Daniel?

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1 Suarez  
 2 A. I don't remember the -- he listed  
 3 three names. I only remember Melissa. I  
 4 don't remember the other two names.  
 5 Q. The second paragraph says:  
 6 "Additionally it was agreed that Melissa  
 7 Johnson from Upstate would spend another  
 8 week with you training on WMI administration.  
 9 The training took place (sic) the week of  
 10 October 24th."  
 11 Did that happen, did Melissa  
 12 spend another week with you?  
 13 A. Yes. This is -- we already went  
 14 through this. That's, that's when she gave  
 15 me the weekly and daily tasks.  
 16 Q. Okay. I believe that's  
 17 Exhibit 10. Let's make sure we're right.  
 18 A. Yes.  
 19 Q. So it was during that week that  
 20 she gave you those, that additional list?  
 21 A. Yes.  
 22 Q. Okay. His last, the last  
 23 paragraph on this page says -- the second  
 24 line says: "At no time have you requested  
 25 assistance or informed me that you are not

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1 Suarez  
 2 completing the tasks expected of you."  
 3 What was your response to John  
 4 about that?  
 5 A. I don't remember what my reply to  
 6 him was. But I did request assistance, and  
 7 Melissa was helping me from upstate doing  
 8 some tasks, and Tonisha was helping me as  
 9 well, and I must have requested their help.  
 10 Q. Do you know why John was thinking  
 11 that you were not asking any help?  
 12 A. If I know why? I don't know. He  
 13 needed to write this memorandum, put  
 14 something on it.  
 15 Q. So, you're saying that he wrote  
 16 something false in this memorandum? Is  
 17 that what you're telling me?  
 18 A. I did ask for help. If I got  
 19 help, it's because I requested help.  
 20 Q. So you think John knew that you  
 21 were asking for help and he lied in this  
 22 document?  
 23 A. I don't know what he was thinking.  
 24 MS. CABRERA: I would ask the  
 25 witness be shown what's marked as

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1 Suarez  
 2 Exhibit Number 15.  
 3 (Thereupon, the document was  
 4 marked Defendant's Exhibit 15 for  
 5 identification, as of this date.)  
 6 THE WITNESS: Okay.  
 7 BY MS. CABRERA:  
 8 Q. Do you recognize Exhibit Number 15?  
 9 A. Yes.  
 10 Q. So Exhibit Number 15 looks like  
 11 it's an email from John Wilkinson to you  
 12 with a copy to Elizabeth Toohig from Human  
 13 Resources.  
 14 There are eight items listed in  
 15 this, in Exhibit Number 15.  
 16 My question to you is: With each  
 17 one of these items, does John, did John  
 18 incorrectly state anything on any of these  
 19 items? And you can take them one at a  
 20 time.  
 21 A. No, I don't remember very well  
 22 every instance. But, um, he acknowledged  
 23 that everything is going in the right way,  
 24 is being resolved and that upstate and  
 25 Tonisha are helping me, so -- and him

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1 Suarez  
 2 himself, he said he's helping me with other  
 3 warehouse managers to resolve all the  
 4 issues from the previous year because the  
 5 end of the year is very hectic.  
 6 Q. So it's true that that was  
 7 occurring, that others were helping --  
 8 A. Yes.  
 9 Q. -- and John was helping?  
 10 A. Yes, as per my request.  
 11 Q. It also looks like there are some  
 12 items that were not completed, but he's  
 13 saying that they are -- that it's okay,  
 14 that they understand some things are  
 15 changing and that's okay. Do you see that?  
 16 A. Yes. The number of issues that  
 17 were carried over from the previous year,  
 18 from 2016, were so numerous that it was  
 19 impossible for one person to fix all the  
 20 issues. So, that's why Melissa and Tonisha  
 21 were helping me, John Wilkinson was helping  
 22 me, and he acknowledged that the amount of  
 23 issues was, um, unmanageable at that point.  
 24 But they were being resolved.  
 25 Q. And if you look at number six,

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1 Suarez  
 2 item number six, it says: "Wave management  
 3 is being handled by Jen Moore from day  
 4 bills and Barry F" -- is that Finkelstein?  
 5 A. Yes.  
 6 Q. -- "is doing the closing of wave  
 7 management on night bills. Tonisha and I  
 8 agreed that you should once again take this  
 9 responsibility over on February 1st of 2017."  
 10 So, was wave management something  
 11 that you were doing and they had asked  
 12 someone else to cover that?  
 13 A. Yes.  
 14 Q. And do you know why they asked  
 15 them to cover it?  
 16 A. Like everything else, to help me  
 17 a little bit, you know. Everything had to  
 18 do with cycle counts. Every single issue,  
 19 it had to be resolved by a cycle count.  
 20 So, um, and I have to double check my  
 21 counters' tasks, and that mean that I have  
 22 less time to cover all the other issues  
 23 that were a carryover from the previous  
 24 year.  
 25 Q. So you saw this as -- when, when

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1 Suarez  
 2 wave management is being given to Jen  
 3 Moore, right, that was to help you. Is  
 4 that your understanding of why that was  
 5 done?  
 6 A. Yes.  
 7 Q. Did you take wave management over  
 8 in February?  
 9 A. I don't remember.  
 10 But before that, wave management  
 11 is the closing of the previous night  
 12 operations. I think I was doing it in  
 13 December and at the beginning of January  
 14 just because the production didn't finish  
 15 until the following morning. So the night  
 16 manager was already gone when they, when  
 17 everything was shipped. So that's why I  
 18 was doing it. And maybe, um, in February,  
 19 I was only, like, to check that everything  
 20 was closed properly because I don't think  
 21 that in February the production will keep  
 22 going until the following day.  
 23 Q. And Barry Finkelstein, what was  
 24 his position?  
 25 A. At that point, he was warehouse

<p style="text-align: right;">121</p> <p>1 Suarez</p> <p>2 manager.</p> <p>3 Q. So at this point, was he</p> <p>4 referring to the night manager wasn't even</p> <p>5 doing it, Barry had stepped in to do it?</p> <p>6 A. Yes.</p> <p>7 Q. Ms. Suarez, do you remember how</p> <p>8 John would go about scheduling these</p> <p>9 meetings with you?</p> <p>10 A. No, I don't remember at this</p> <p>11 moment.</p> <p>12 MS. CABRERA: I ask this be</p> <p>13 marked as 16.</p> <p>14 (Thereupon, the document was</p> <p>15 marked Defendant's Exhibit 16 for</p> <p>16 identification, as of this date.)</p> <p>17 THE WITNESS: Okay.</p> <p>18 BY MS. CABRERA:</p> <p>19 Q. Does exhibit -- withdrawn.</p> <p>20 Do you recognize Exhibit Number 16?</p> <p>21 A. Yes.</p> <p>22 Q. And what do you recognize it as?</p> <p>23 A. That's a meeting scheduling.</p> <p>24 That's a system that it got to all of us</p> <p>25 through email.</p>	<p style="text-align: right;">123</p> <p>1 Suarez</p> <p>2 meeting?</p> <p>3 A. Yes, um, I don't remember</p> <p>4 specifics, but it looks accurate.</p> <p>5 MS. CABRERA: I will have this</p> <p>6 marked as Exhibit Number 18.</p> <p>7 (Thereupon, the document was</p> <p>8 marked Defendant's Exhibit 18 for</p> <p>9 identification, as of this date.)</p> <p>10 BY MS. CABRERA:</p> <p>11 Q. Do you recognize number 18?</p> <p>12 A. Yes.</p> <p>13 Q. And what is number 18?</p> <p>14 A. Another meeting schedule.</p> <p>15 Q. I had asked you earlier if after</p> <p>16 the December 2016 meeting, if you recalled</p> <p>17 how frequently you met with John. And you</p> <p>18 did not recall.</p> <p>19 So I just want to know if</p> <p>20 Exhibit 18 refreshes your recollection as</p> <p>21 to having a meeting on February 14, 2017.</p> <p>22 A. Yes. It looks like we met four</p> <p>23 weeks in a row.</p> <p>24 MS. CABRERA: Mark this as 19.</p> <p>25 (Thereupon, the document was</p>
<p style="text-align: right;">122</p> <p>1 Suarez</p> <p>2 Q. Does this refresh your</p> <p>3 recollection --</p> <p>4 A. Yes.</p> <p>5 Q. -- as to how John would schedule</p> <p>6 meetings?</p> <p>7 A. Yes. I don't think he scheduled</p> <p>8 all the meetings this way, though.</p> <p>9 MS. CABRERA: I ask this be</p> <p>10 marked as 17.</p> <p>11 (Thereupon, the document was</p> <p>12 marked Defendant's Exhibit 17 for</p> <p>13 identification, as of this date.)</p> <p>14 BY MS. CABRERA:</p> <p>15 Q. Before you look at Exhibit 17,</p> <p>16 Ms. Suarez, do you recall how else he would</p> <p>17 schedule a meeting if he didn't send you an</p> <p>18 invite?</p> <p>19 A. Phone call is my guess. I don't</p> <p>20 remember.</p> <p>21 Q. Okay. I'm sorry, you can look at</p> <p>22 17 and let me know when you're ready.</p> <p>23 A. Okay.</p> <p>24 Q. My question on Exhibit Number 17</p> <p>25 is: Is this an accurate recap of your</p>	<p style="text-align: right;">124</p> <p>1 Suarez</p> <p>2 marked Defendant's Exhibit 19 for</p> <p>3 identification, as of this date.)</p> <p>4 THE WITNESS: Okay, finished</p> <p>5 reading.</p> <p>6 BY MS. CABRERA:</p> <p>7 Q. Do you recognize Exhibit Number 19?</p> <p>8 A. Yes.</p> <p>9 Q. And what do you recognize this to</p> <p>10 be?</p> <p>11 A. We had a meeting on 3/8/2017, and</p> <p>12 then he mailed me a review for that day.</p> <p>13 Q. And is this an accurate review of</p> <p>14 the meeting that you had?</p> <p>15 A. Yes. As it is stated here, I was</p> <p>16 on vacation, and, and the review was for,</p> <p>17 like, how Tonisha handled all the issues</p> <p>18 while I was away.</p> <p>19 Q. Number 9 says: "Emails -- These</p> <p>20 were kept up to date by Ena Scott while you</p> <p>21 were out on vacation and she will continue</p> <p>22 to assist as needed."</p> <p>23 Did Ena continue to help you with</p> <p>24 emails?</p> <p>25 A. I don't remember, but I think so.</p>

1 Suarez  
2 The emails, the inquiries by customer  
3 service and the sales force was taken away  
4 from us for, since July 2016 until, I  
5 guess, Tonisha do this job on the weeks I  
6 was away. It looks like she realized that  
7 we needed to continue to replying emails  
8 through my department.

9 MS. CABRERA: Got it. Okay.  
10 Can I have this marked as number  
11 20, please?

12 (Thereupon, the document was  
13 marked Defendant's Exhibit 20 for  
14 identification, as of this date.)

15 THE WITNESS: Okay.

16 BY MS. CABRERA:

17 Q. So, I apologize because  
18 Exhibit 20 appears to be two emails sent on  
19 the same day. It looks like the second one  
20 was the first one, though. Okay?

21 A. Um, the second page, although it  
22 has a different date, is the same one  
23 that -- on Exhibit 17, it looks like it was  
24 sent on March 8th and then again on  
25 March 21st.

1 Suarez  
2 Q. Yes. And then -- and that was  
3 sent again on March 21 at 10:01 p.m. And  
4 then the next email was sent at 10:04 p.m.  
5 So that's what I meant they were -- the  
6 second page should have been in front of  
7 the first page.

8 A. Yes, but, like, if you see, this  
9 more than a month after the meetings. So  
10 he sent on 3/21 on a meeting on 2/14 and a  
11 meeting of 2/7.

12 Q. Well, we --

13 A. But the 2/7 was already sent.

14 Q. If you look at the top --

15 A. Uh-huh.

16 Q. -- right, of Exhibit 20, the  
17 first page --

18 A. Yes.

19 Q. -- it says: "This is to review  
20 what we met about and discussed with  
21 Tonisha today."

22 A. Yes.

23 Q. And so, are you telling me that  
24 what he listed here was not discussed on  
25 March 21st of 2017?

1 Suarez  
2 A. No, it was discussed on 2/14/2017.  
3 Or the subject is incorrect.

4 Q. Well, that's what I'm trying to  
5 ask you. One of them is incorrect, right?

6 A. Yes.

7 Q. It's either the subject matter is  
8 incorrect or his first line saying "This is  
9 to review what we met about and discussed" --

10 A. I think the subject is correct  
11 because, um, that's management and he talks  
12 about from 2/1 to 2/7. So...

13 Q. So, that tells you that this was  
14 the recap from your 2/14 meeting?

15 A. Yes.

16 Q. Okay. And that was Exhibit  
17 Number 18, is that correct, the meeting  
18 invite?

19 A. Yes.

20 Q. And so is this an accurate recap  
21 of that meeting?

22 A. Yes, I think so.

23 MS. CABRERA: I ask this be  
24 marked Exhibit 21.

25 (Thereupon, the document was

1 Suarez  
2 marked Defendant's Exhibit 21 for  
3 identification, as of this date.)

4 THE WITNESS: Okay.

5 BY MS. CABRERA:

6 Q. Do you recognize Exhibit Number 21?

7 A. Yes. It is the same as Exhibit 19.

8 Q. And when you say, "It is the same  
9 as Exhibit 19," what do you mean exactly?

10 A. That the meeting date is  
11 different, but the review is the same.

12 Q. Well, we will put that aside.

13 You can keep Exhibit 19 to the side.

14 A. Okay.

15 Q. Before we -- you can, like, leave  
16 it on the side. I will ask you some  
17 questions about that.

18 Um, but first, Exhibit 21, was  
19 this -- is this an accurate recap of your  
20 meeting?

21 A. Yes.

22 Q. Drawing your attention to item  
23 number six, it says: "Wave management --  
24 great shape." Do you see that?

25 A. Yes.

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1 Suarez

2 Q. And that was one of the things

3 that others were helping, and then they

4 gave you that responsibility back, is that

5 correct?

6 A. Yes, but I don't remember if they

7 were still helping with it or I was doing

8 it. It looks like after my vacation, I was

9 doing everything again.

10 Q. Going back to -- withdrawn.

11 Jen Moore was one of the people

12 that was covering that before, correct?

13 A. I don't remember. I think it was

14 Barry more doing that, but I could be

15 mistaken.

16 Q. Could it have been -- I'm going

17 to ask you to pull Exhibit Number 15, please.

18 A. Okay.

19 Q. And I will direct your attention

20 to item number six, and let me know if that

21 refreshes your recollection as to who was

22 covering wave management.

23 A. Yes.

24 Q. My question is: What was Jen

25 Moore's title?

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1 Suarez

2 A. Administrative assistant.

3 Q. Okay.

4 A. But she is doing the day bills.

5 Barry was doing the closing for the, the

6 night waves.

7 Q. And when you took it over, you

8 were doing the night closing, or you were

9 doing both?

10 A. I think I was doing both. And

11 then the night managers -- like, this goes

12 back to on November and December that we

13 were helping the night manager. The wave

14 management for operations, for night

15 operation, is supposed to be closed by the

16 night manager. So, Jennifer was closing

17 the waves for day bills. Day bills is only

18 a few.

19 Q. Okay.

20 A. And I don't know if I was doing

21 that or not at this point. I think I went

22 back to doing the day bill closing.

23 MS. CABRERA: I ask that this be

24 marked as Exhibit 22.

25 (Thereupon, the document was

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1 Suarez

2 marked Defendant's Exhibit 22 for

3 identification, as of this date.)

4 THE WITNESS: Okay.

5 BY MS. CABRERA:

6 Q. Do you recognize the emails in

7 Exhibit 22?

8 A. Yes.

9 Q. It appears --

10 A. Yes.

11 Q. -- these are two, these are two

12 different emails. So starting on the last

13 page, so starting backwards, it looks like

14 it was sent on Thursday, April 13th, and

15 then the first line says: "This is to

16 review what we met about and discussed with

17 Tonisha today April 7th."

18 And there are 11 items listed,

19 correct? Is that correct?

20 A. Yes, but something is wrong.

21 Q. I'm going to ask you a question,

22 okay? And then it appears the email in

23 front of it was also sent on Thursday,

24 March 13, 12 minutes later. And at the top

25 it also says: "This is to review what we

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1 Suarez

2 met about and discussed with Tonisha today

3 April 7th." Is that correct?

4 A. Yes.

5 Q. So, did he send you these two

6 emails on the same day?

7 A. It looks like. But the first

8 email, the one that was sent at 6 p.m., um,

9 it listed the same review as Exhibit 19,

10 yes, for three -- for March 8th.

11 Q. Well, during these meetings,

12 aren't you reviewing the same issues?

13 A. Yes.

14 Q. In fact, it looks like the second

15 email he sent you on the 12th --

16 A. Uh-huh.

17 Q. -- it seems like he took some

18 things off the list, is that correct?

19 A. Yes.

20 Q. It also appears that he corrected

21 item number 9. Do you see that?

22 A. (Thereupon, the witness nods in

23 the affirmative.)

24 Q. So at 6 o'clock --

25 A. Yes.

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1 Suarez

2 Q. -- he is indicating that the

3 reconciliation report is currently two and

4 a half pages long. But then 12 minutes

5 later, he said it's currently one page

6 long, 45 items.

7 A. (Thereupon, the witness nods in

8 the affirmative.)

9 Q. Do you know -- withdrawn.

10 Was that a result of you

11 communicating with John about what he had

12 listed at 6 o'clock?

13 A. Probably, but I don't remember at

14 this moment.

15 Q. And is this an accurate recap of

16 your meeting with him on April 7th?

17 A. The second email, the one at 6:12?

18 Q. Yes.

19 A. Yes, I think so.

20 MS. CABRERA: I would ask that

21 this be marked as Exhibit Number 23.

22 (Thereupon, the document was

23 marked Defendant's Exhibit 23 for

24 identification, as of this date.)

25 BY MS. CABRERA:

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1 Suarez

2 Q. Are you ready?

3 A. Yes.

4 Q. Do you recognize Exhibit Number 23?

5 A. Yes.

6 Q. What do you recognize it as?

7 A. It looks like a recap of another

8 meeting, although it's a similar as other

9 recaps.

10 Q. Well, this recap seems to be

11 saying that you've resolved most of the

12 issues, doesn't it?

13 A. Yes.

14 Q. In fact, in areas where things

15 may not be completely done, in here John

16 seems to be including the reasons that you

17 provided for why they were not done.

18 A. Yes. As you pointed out before,

19 we reviewed the same issues every week, it

20 looks like every week.

21 Q. But this recap is a lot shorter

22 than all the other recaps, right?

23 A. Okay, yes.

24 Q. And on the first page of 23, it

25 looks like it's an email exchange where

135

1 Suarez

2 John is emailing you, asking if you were

3 coming, and you respond, is that correct?

4 A. Yes.

5 Q. Did that happen sometimes, that

6 you didn't see the invite?

7 A. I don't think there was an invite

8 this time.

9 Q. Okay. So when you say, "I didn't

10 see the invite, I will be right there," you

11 weren't sure if there had been an invite

12 sent?

13 A. Yes, I guess that's why I emailed

14 that like I didn't see it. I didn't know

15 that there was a meeting.

16 MS. CABRERA: Mark this 24.

17 (Thereupon, the document was

18 marked Defendant's Exhibit 24 for

19 identification, as of this date.)

20 THE WITNESS: Okay, I remember

21 this.

22 BY MS. CABRERA:

23 Q. So you recognize Exhibit Number 24?

24 A. Yes.

25 Q. And what do you recognize it to be?

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1 Suarez

2 A. It was a write-up about, um, an

3 error in the system. They said it was

4 caused by me. It was not. And I got it

5 like a month later from when this happened.

6 So it was hard to backtrack and really

7 pinpoint what happened.

8 Q. Well, I want to direct your

9 attention to the first paragraph on the

10 first page.

11 A. Yes.

12 Q. Where -- it says: "On

13 November 7, 2017, you processed 34 counts

14 in error. You did not notify anyone of

15 this error until you received an email from

16 Tonisha Durant, Inventory Control Manager

17 on 11/8 inquiring of the reason why you

18 consumed 90 cases of Whispering Angel. It

19 wasn't until receipt of that email did you

20 advise of the error you made the day before

21 and that you would be conducting a full sku

22 cycle count to balance the inventory."

23 I want to talk about this

24 paragraph alone. Okay?

25 A. Yes.



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1 Suarez

2 Q. What is incorrect about that  
3 paragraph?

4 A. Um, I think I was the one who  
5 emailed Tonisha and not the other way  
6 around. It must be in my email there. Um,  
7 I think that I saw some emails and I sent  
8 Tonisha an email, um, about this specific  
9 matter. I think there was a few screens  
10 open while I was processing cycle counts  
11 that caused the error. I don't remember  
12 exactly what happened. Um, but I did  
13 explain what happened. And I think it was  
14 my email to her and not the other way  
15 around.

16 Q. Okay. So when he says "On  
17 November 7, 2017, you processed 34 counts  
18 in error," was that true or not?

19 A. I don't remember right now.

20 Q. And sitting here today, your  
21 recollection is that it was you that  
22 notified Tonisha, and not the other way  
23 around?

24 A. To the best of my recollection,  
25 yes, that's the way it was.

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1 Suarez

2 Q. I'm going to ask you to turn to  
3 the second page, please.

4 A. Uh-huh.

5 Q. Um, in the box where it says, "I  
6 disagree with Employer's statement," is  
7 that your handwriting?

8 A. Yes.

9 Q. Can you please read into the  
10 record everything that you wrote there,  
11 please?

12 A. Communication goes both ways.  
13 Issues need to be corrected immediately.  
14 It would have been much better to know  
15 about how my mistakes affected others  
16 within a reasonable time not a month later.  
17 Some of the wording is mistaken, orders  
18 were shortshipped because the product was  
19 not in the proper location and not because  
20 of my error. Bill and hold, cannot be back  
21 ordered.

22 Q. Does that refresh your  
23 recollection as to whether or not it was  
24 you that emailed Tonisha first or she --  
25 you emailed her or she emailed you about

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1 Suarez

2 the error?

3 A. I think I called her or emailed  
4 her as to -- that's the way I remember.

5 Q. Well, why didn't you put that in  
6 your statement here?

7 A. Oh, because this is not about my  
8 mistake or not mistake. This is about the  
9 write-up.

10 Q. Excuse me?

11 A. The write-up says that my mistake  
12 cost the company \$13,000 error, and I was  
13 trying to explain, or I was trying -- I was  
14 trying to make the statement that, you  
15 know, it will have been best to know, like,  
16 immediately what happened so we can  
17 backtrack and know what really happened.

18 Um, at that moment, one month  
19 later, it's difficult to backtrack one  
20 month of -- like, November, it's very busy,  
21 and it's difficult to know exactly what  
22 happened.

23 Q. Well, what I'm trying to  
24 understand is, you took the time to explain  
25 what happened in this employee statement.

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1 Suarez

2 And all over page one, John is saying that  
3 the issue was not the error, but the issue  
4 was your lack of communication. That's  
5 what it says all over here.

6 A. Uh-huh.

7 Q. So my question is: Why wouldn't  
8 you say: I'm the one who emailed her, not  
9 she emailed me? Why would you not say  
10 that?

11 A. I don't know. I will have to, to  
12 check the emails to know exactly what  
13 happened. The way I remember is that I  
14 emailed or called her.

15 Q. But you're not sure?

16 A. That's all I can remember right  
17 now.

18 Q. Okay. All right. So that's the  
19 best -- that's your explanation as to why  
20 you did not correct John and tell him that  
21 it was you who alerted Tonisha to the error  
22 and not that it was her that alerted you to  
23 the error?

24 A. I think that's why, my way of  
25 saying that I didn't get the email from

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1 Suarez  
2 Tonisha. It was me who emailed her because  
3 I don't think -- I remember seeing  
4 something and calling or emailing Tonisha  
5 right away. This was early in the morning.  
6 This was the moment I walked into the  
7 company. And about some lost product the  
8 night before.

9 Q. Okay.

10 A. And I think I emailed Tonisha  
11 something about it or called Tonisha  
12 something about it and -- but nobody  
13 emailed me about the supposed error that I  
14 had.

15 Q. Well, what I'm trying to  
16 understand --

17 A. Until a month later.

18 Q. Okay. What I'm trying to  
19 understand is that we are sitting here  
20 almost four years --

21 A. Yes.

22 Q. -- after this. And you seem to  
23 remember that you may have been the one to  
24 send the email. So why is it that a month  
25 after you did not make that the first thing

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1 Suarez  
2 that you wrote here when, when the warning  
3 again is not about the error, but they are  
4 blaming you for not notifying anyone?

5 So you are telling me -- you are  
6 sitting here saying to me that you took the  
7 time to give an explanation, but at no  
8 point did you say, Hey, I was the one who  
9 emailed. You wrote everything else, but  
10 you didn't correct him on the issue that  
11 you were being written up for. Is that  
12 what you are telling me today?

13 A. You are saying that my wording  
14 was not correct? Um, I don't, I don't --  
15 that's the way I felt at that moment. I  
16 don't remember very well, but I, I think  
17 maybe my wording is not correct.  
18 Communication goes both ways. Maybe that's  
19 my way of saying what you just saying right  
20 now, that I was, I didn't receive any  
21 communication, that I was the one who  
22 communicated.

23 Q. Well, but then you go on to say:  
24 "It would have been much better to know  
25 about how my mistakes affected others

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1 Suarez  
2 within a reasonable time not a month  
3 later."

4 So, you seem to be acknowledging  
5 that it was your mistake, but your issue is  
6 that they didn't tell you until a month  
7 later.

8 A. Maybe I'm acknowledging that it  
9 could have been a mistake.

10 MS. CABRERA: Okay. I'm going to  
11 ask that this be marked as Exhibit  
12 Number 25.

13 (Thereupon, the document was  
14 marked Defendant's Exhibit 25 for  
15 identification, as of this date.)

16 THE WITNESS: Okay.

17 BY MS. CABRERA:

18 Q. Do you recognize Exhibit Number 25?

19 A. No. I think it's the first time  
20 I'm reading it.

21 Q. Did you receive a performance  
22 appraisal from John in 2016?

23 A. I don't remember receiving one.

24 Q. Okay. I would like to draw your  
25 attention to the second page, two of five,

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1 Suarez  
2 toward the bottom of the page just above  
3 the heading where it says "Inspiring  
4 Others."

5 A. Uh-huh.

6 Q. There is a -- it says "Comments  
7 by John Wilkinson." Okay. And it reads:  
8 "Maria strives for excellence and sets high  
9 standards for herself and her staff."

10 Is that a true statement?

11 A. It is.

12 Q. If you turn to page three of  
13 five, same area of the page under "Comments  
14 by John Wilkinson," it says: "Maria is  
15 very organized and plans very well. She's  
16 very effective at scheduling her staff and  
17 managing the processes that they need to  
18 perform on a daily basis."

19 Was that an accurate statement by  
20 John?

21 A. Yes.

22 Q. If you turn to the --

23 A. But --

24 Q. -- following page, page four of  
25 five, under "Talent Building," there is a

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1 Suarez  
2 section that starts a little closer to the  
3 top of the page. It says "Talent  
4 Building," and he rated you as a solid  
5 performer, and under that he says: "Maria  
6 teaches her staff new skills and works with  
7 them so they are more productive. She  
8 builds talent through matter of fact style  
9 of teaching. While she builds the talent  
10 and makes her staff and others more  
11 valuable she does not do it through  
12 coaching. She removes growth barriers for  
13 her team members educating them on  
14 processes from analytical research. She  
15 delegates assignments to her staff's  
16 strengths and helps them to be more  
17 successful. Maria could offer more praise  
18 and learn coaching techniques to help  
19 improve her staff's productivity."  
20 Was that an accurate statement by  
21 John?  
22 A. All these look like accurate  
23 statements, but on my performance before  
24 when I was inventory control manager, um --  
25 this is 2016. Maybe includes some of the

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1 Suarez  
2 time that I was still inventory control  
3 manager. Um, I don't remember seeing this,  
4 so I can't say. But I consider that a true  
5 statement.  
6 MS. CABRERA: I would ask this be  
7 marked as Exhibit Number 26.  
8 (Thereupon, the document was  
9 marked Defendant's Exhibit 26 for  
10 identification, as of this date.)  
11 THE WITNESS: Thank you.  
12 Okay.  
13 BY MS. CABRERA:  
14 Q. Do you recognize Exhibit Number 26?  
15 A. No, I do not.  
16 Q. And did anyone ever give this to  
17 you?  
18 A. I don't remember seeing it.  
19 Q. Did anyone ever discuss a 2017  
20 end-of-year performance with you without a  
21 document?  
22 A. No, I don't remember discussing it.  
23 Q. I'm going to direct your  
24 attention to the second page. They are  
25 saying, section bullet -- well, it's in

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1 Suarez  
2 bold. It says "Integrity." Okay?  
3 The second sentence there says:  
4 "She does manage her team and they appear  
5 to follow her lead."  
6 Do you see that?  
7 A. Yes.  
8 Q. And so here in -- and this is for  
9 the year 2017. John is still referring to  
10 you managing a team, right?  
11 MR. MOSER: Objection. The  
12 witness has already testified with  
13 regard to this in the preceding  
14 document that she doesn't even recall  
15 seeing them. Um, there's a whole bunch  
16 of assumptions that are being made  
17 because neither of these documents has  
18 been authenticated as even coming from  
19 John Wilkinson. So, just note my  
20 objection for the record.  
21 MS. CABRERA: So, that's great.  
22 I would just ask counsel that you  
23 refrain from speaking objections as per  
24 the Federal Rules of Civil Procedure  
25 and you can just make your general

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1 Suarez  
2 objection. Thank you.  
3 BY MS. CABRERA:  
4 Q. So, Ms. Suarez, my question to  
5 you is: On the second page of this  
6 document, it appears that John is still  
7 referring to you managing a team. Is that  
8 what you see on the second page of this  
9 document?  
10 A. That's what it reads here.  
11 Q. I'm going to ask you to pull  
12 Exhibit Number 7, please.  
13 A. Yes.  
14 Q. From the time that you received  
15 Exhibit Number 7, and it's dated May 4,  
16 2016, up through 2017, covering that time  
17 period, did you ever receive a letter like  
18 Exhibit Number 7 changing your job title?  
19 A. No, I did not.  
20 Q. And at any point was your salary  
21 changed?  
22 A. No, it wasn't.  
23 MS. CABRERA: I believe we are  
24 going to -- we need to take -- the  
25 videographer is going to need a break,

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1 Suarez

2 and this is a good point for us to take

3 a break. So, do you want to take,

4 like, ten minutes?

5 MR. MOSER: Sounds good.

6 THE VIDEOGRAPHER: We are going

7 off the record. The time is 4:26 p.m.

8 This is the end of media number five.

9 (Brief break.)

10 THE VIDEOGRAPHER: We are back on

11 the record. The time is 4:46 p.m. This

12 is the start of media number six.

13 BY MS. CABRERA:

14 Q. Ms. Suarez, did there come a time

15 that your employment ended?

16 A. Yes.

17 Q. And when was that?

18 A. April 2018.

19 Q. And who told you that your

20 employment was ending?

21 A. Kevin Randall.

22 Q. And what did he say?

23 A. That my position was being

24 eliminated.

25 Q. Did he tell you why?

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1 Suarez

2 A. He said that the position was

3 being eliminated all over. The WMI

4 administrator was going to be eliminated

5 all over United States.

6 Q. I'm sorry, all over?

7 A. The United States.

8 Q. The United States?

9 A. Yes.

10 Q. Got it. Okay.

11 And how much notice were you

12 given?

13 A. None.

14 Q. Was the termination effective

15 immediately?

16 A. Yes.

17 Q. And were you offered a severance

18 package?

19 A. Yes.

20 Q. Did you accept it?

21 A. Not -- no.

22 Q. Why not?

23 A. First, the calculation that the

24 HR person present at that moment explained

25 to me was done incorrectly, was done from

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1 Suarez

2 2004 to 2018, and I explained that my

3 employment started in April 2000, the year

4 2000. And then I was advised by this HR

5 person to talk to, to get legal counseling,

6 and I did.

7 Q. Okay. And at that point, did

8 your attorney communicate with the company?

9 A. Yes, I think so.

10 Q. Okay. Ms. Suarez, I want to draw

11 your attention to your deposition testimony

12 in the Sanjous versus Southern Glazer's

13 Wine and Spirits case. Okay?

14 Were you deposed in that case?

15 A. Yes, I was.

16 Q. And if I told you that your

17 deposition was on October 7th of 2016, do

18 you have any reason to dispute that date?

19 A. No, I don't have any reason.

20 Q. Were you given a copy of your

21 deposition transcript?

22 A. No, I was not.

23 Q. And who told you that you were

24 going to be deposed in that case?

25 A. HR director, Elizabeth.

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1 Suarez

2 Q. Elizabeth? Okay.

3 And did you prepare for that

4 deposition?

5 A. Yes.

6 Q. And how did you prepare?

7 A. Um, the company attorney, um, met

8 with me the day before for approximately

9 one hour.

10 Q. And when you say "the company

11 attorney," do you know if it was an

12 attorney that actually worked for the

13 company, or was it an attorney that was

14 hired by the company?

15 A. I don't know for sure, but he

16 repeated -- he said a couple of times, "I

17 work for the company, not for you."

18 Q. Okay. Do you remember his name?

19 A. No, I don't.

20 Q. Okay. And, um, you said you met

21 for an hour the day before?

22 A. Yes.

23 Q. Who was in the room when you met?

24 A. Only the both of us.

25 Q. And how long was your deposition?

1 Suarez  
 2 A. I don't remember the length.  
 3 Q. Was it shorter than this today?  
 4 A. Yes, a lot shorter.  
 5 Q. Did you speak with anyone after  
 6 the deposition?  
 7 MR. MOSER: Objection.  
 8 MS. CABRERA: Withdrawn. I'm  
 9 going to rephrase that question.  
 10 BY MS. CABRERA:  
 11 Q. Did you speak with anyone at  
 12 Southern Glazer's about the deposition?  
 13 A. No, I did not.  
 14 Q. Did anyone speak to you about --  
 15 did anyone from Southern Glazer's speak to  
 16 you about the deposition, your deposition  
 17 testimony?  
 18 A. No. There was only one comment,  
 19 but nobody spoke directly to me.  
 20 Q. And what was the one comment?  
 21 A. John Wilkinson to Barry, I think  
 22 he was talking about his deposition.  
 23 Q. Oh, okay. So he didn't make a  
 24 comment about your deposition?  
 25 A. I took it that it was directed to

1 Suarez  
 2 me.  
 3 Q. Tell me why you thought it was  
 4 directed to you.  
 5 A. Because he said, "That's the way  
 6 you do it. If you are loyal to the  
 7 company, that's the way you do it. You say  
 8 'I don't remember, I don't know.'"  
 9 Q. And when in relation to your  
 10 deposition did he make that comment? Was  
 11 it before or after?  
 12 A. After. He was deposed after me.  
 13 Q. And do you have any personal  
 14 knowledge as to whether John saw your  
 15 deposition transcript?  
 16 A. No, I don't.  
 17 Q. And what did you, what did you  
 18 testify to at your deposition?  
 19 A. Um, basically, I was deposed  
 20 about Josie's duties.  
 21 Q. Okay. And what did you say about  
 22 Josie's duties?  
 23 A. That she worked in the warehouse,  
 24 that she wore safety shoes, safety vest,  
 25 that she performed warehouseman duties or

1 Suarez  
 2 tasks, that she replaced and did a great  
 3 job, um, in the receiving area as a  
 4 checker.  
 5 Q. And do you believe that the  
 6 testimony that you gave was bad for the  
 7 company?  
 8 A. It was -- it was supposed as was  
 9 recommended to say by the attorney the  
 10 previous day.  
 11 Q. What did the attorney recommend  
 12 that you say the previous day?  
 13 A. "I don't know. I don't remember."  
 14 Q. And the previous attorney told  
 15 you to say that even when you did know and  
 16 even when you did remember?  
 17 A. He didn't even ask me if I knew.  
 18 Q. Okay. Um, okay. So can you tell  
 19 me what was bad about what you testified  
 20 to?  
 21 A. I don't know if it was bad or  
 22 not. It was just that it was not what the  
 23 attorney trained me to say.  
 24 MS. CABRERA: Understood. Okay.  
 25 Understood.

1 Suarez  
 2 Okay. I'm going to be -- I'm  
 3 going to ask that the witness be shown  
 4 Exhibit Number 27.  
 5 (Thereupon, the document was  
 6 marked Defendant's Exhibit 27 for  
 7 identification, as of this date.)  
 8 BY MS. CABRERA:  
 9 Q. Ms. Suarez, I'm going to ask  
 10 forgiveness from your counsel slightly in  
 11 the essence of time, okay? I'm  
 12 representing to you that Exhibit Number 27  
 13 is the complaint that you filed in this  
 14 matter. Okay?  
 15 A. Okay.  
 16 Q. And so I'm going to ask you to  
 17 just take a look at that. I'm going to ask  
 18 you some, some very specific questions.  
 19 A. Okay.  
 20 MS. CABRERA: So if it's okay  
 21 with counsel, if we can sort of go  
 22 through it together, or do you want to  
 23 give her time to go through the  
 24 document?  
 25 MR. MOSER: You can go through it

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1 Suarez

2 with her --

3 MS. CABRERA: Okay.

4 MR. MOSER: -- and address

5 certain -- might be better to address

6 certain points.

7 MS. CABRERA: I think so, okay.

8 BY MS. CABRERA:

9 Q. Okay. So, do you have any reason

10 to believe that this is not the complaint

11 that you filed in this case?

12 A. No, I don't.

13 Q. Okay. So I'm going to direct

14 your attention to page number five,

15 paragraph number 33. And it says: "Ms.

16 Suarez believed that the women in her

17 department should be classified as

18 'warehouse' employees and brought this to

19 the attention of her direct supervisor,

20 John Wilkinson."

21 My question is: How did you

22 bring it to his attention?

23 A. I sent an email.

24 Q. And if you go down to paragraph

25 37, it says: "That same day, Ms. Suarez

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1 Suarez

2 sent an email to John Wilkinson stating

3 that her 'team was classified differently

4 by payroll' and while she was sure it was

5 'just a mistake, it looks like they were

6 classified by sex.'"

7 Is that how you notified him?

8 A. Yes, I remember this being

9 correct, yes.

10 Q. And so that's the email that you

11 sent to notify him of this issue?

12 A. Yes.

13 Q. And did you -- actually, withdrawn.

14 Paragraph number 38 says:

15 "Wilkinson forwarded the email to Dina

16 Wald-Margolis of Southern's Human Resources

17 Department at approximately 1:00 PM on

18 May 2, 2013."

19 My question is: How did you know

20 that? How did you know that John had sent

21 the, your email to human resources?

22 A. I, I didn't know at the time, but

23 if -- I guess Dina told me or, or she

24 emailed me, and I saw John forwarding the,

25 my email to her.

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1 Suarez

2 Q. Okay. And is that why it appears

3 on 39: "At approximately 1:30 PM on May

4 23, Ms. Wald-Margolis emailed Ms. Suarez.

5 Ms. Wald-Margolis agreed that 'the

6 subcategory seems to be different for 3 out

7 of the 4 employees,' but, 'guaranteed' that

8 the different classification was not 'based

9 on gender.'" Is that correct?

10 A. As far as I remember right now,

11 yes, it is correct.

12 Q. Did you and Ms. Wald-Margolis

13 have any discussion, or was it all via

14 email?

15 A. I think she called me over the

16 phone.

17 Q. Okay. And what do you recall

18 about that, about a conversation with her?

19 What do you recall her telling you during

20 that conversation?

21 A. I don't remember specifics, but I

22 remember she asking me if I think it will

23 be good for her to meet with the women in

24 my department, and she did meet with them.

25 Q. And were you present when she met

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1 Suarez

2 with them?

3 A. No, I was not.

4 Q. Did they talk to you about her

5 meeting with them?

6 A. No, they did not.

7 Q. I'm going to ask you to look at

8 paragraph 40.

9 A. Uh-huh.

10 Q. It says: "After May 2, 2013,

11 Wald-Margolis met with the three female

12 Inventory Control Clerks and unsuccessfully

13 attempted to convince them that they were

14 not being discriminated against based on sex."

15 How do you know what she told

16 them?

17 A. I don't know, but I guess my

18 attorney knows.

19 Q. So you don't have personal

20 knowledge about what...

21 A. What was said, no.

22 Q. -- she said to them? No, okay.

23 I'm going to draw your attention

24 to paragraph 51, and that's on page eight.

25 And it says: "Once the lawsuits were



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1 Suarez  
2 filed, the Defendants engaged in a pattern  
3 of discrimination and retaliation against  
4 the Plaintiff."

5 And my question to you is: The  
6 paragraphs that come after that, from 52  
7 all the way to... from 52 all the way  
8 through paragraph 89, okay, are those all  
9 of the reasons why you believe that you  
10 were discriminated and retaliated against?  
11 And take your time. You know, go through  
12 them. I want you to.

13 But what I, what I want to know  
14 is if there is anything missing here, okay,  
15 if there is anything that maybe you forgot  
16 to put in here.

17 A. Up to what number you said?

18 Q. What number are you up to?

19 A. 82.

20 Q. Yeah, all the way down to 89.

21 A. Yes.

22 Q. So my question is: Does that --  
23 do those paragraphs contain everything that  
24 you believe was done to you in retaliation  
25 and you were being discriminated against?

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1 Suarez  
2 A. Yes, as far as I can remember  
3 right now, yes. Although, um, number 78, I  
4 think we corrected those days afterwards.

5 Q. Got it.

6 A. I think it was the weekend of the  
7 Saturday, 29, not --

8 Q. Got it.

9 A. -- the week of November 4th.

10 Q. Okay. Um, I'm going to ask you  
11 just some questions about some of these,  
12 some of these things.

13 In paragraph 77, you state that  
14 on that particular Saturday, you had a  
15 pre-approved vacation. Who had approved  
16 your vacation?

17 A. Kevin Randall. But not for that  
18 day, right? I had an approved vacation for  
19 the week of -- I think it started on  
20 November 3rd. I have -- in order to  
21 respond accurately, I need to, to see the,  
22 um, the calendar. I...

23 Q. Okay. Let me, let me ask it to  
24 you this way, then --

25 A. Okay.

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1 Suarez  
2 Q. -- without having to look at a  
3 calendar. Okay?

4 When you did not work that  
5 weekend, the October 29th, October 30th  
6 weekend --

7 A. That Saturday.

8 Q. Correct, that Saturday.

9 A. The 29th.

10 Q. Did you have a pre-approved  
11 vacation for that day?

12 A. No, for the following week.

13 Q. Understood. So you were starting  
14 vacation Monday? Was that right?

15 A. No. I'm sorry, I don't remember  
16 exactly right now.

17 Q. That's okay. I'm trying to  
18 remember it more in the sequence of events,  
19 right? You said you picked up your parents  
20 on Saturday?

21 A. On Friday night, like midnight  
22 into Saturday morning.

23 Q. Okay. And so was your plan to be  
24 on vacation while your parents were in  
25 town?

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1 Suarez

2 A. Yes.

3 Q. Okay.

4 A. Actually, we had a trip -- Kevin  
5 Randall was aware of the reason, the  
6 special reason he approved my vacation,  
7 that, um, we have a, block out days for  
8 vacation approval beginning in October to  
9 December.

10 Q. Okay.

11 A. But he approved because of the  
12 special reason I have. Like, I had my  
13 parents and we were planning a trip.

14 Q. Okay.

15 A. So, um, yes. Although the  
16 vacation was scheduled for the following  
17 week, he knew that I was picking my parents  
18 from the airport, up from, you know,  
19 midnight from Friday to Saturday.

20 Q. Understood. Okay.

21 Um, as a part of -- when you took  
22 -- when you started to perform the WMI  
23 administrator position --

24 A. Uh-huh.

25 Q. -- did you -- were you filling

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1 Suarez  
2 out timesheets at that point?  
3 A. No, I did not.  
4 Q. Do you have any personal  
5 knowledge as to whether anyone else, anyone  
6 on your team, had received a performance  
7 evaluation for 2005?  
8 A. For 2005?  
9 Q. Yes.  
10 A. There was no inventory control  
11 team in 2005.  
12 Q. Well, paragraph 55, you say:  
13 "Southern did not furnish the Plaintiff  
14 with a performance evaluation covering  
15 2015."  
16 I'm sorry, I'm saying 2005. I'm  
17 saying 2005; it is 2015. In 2015, okay,  
18 you indicated --  
19 A. No, I don't know.  
20 Q. Okay. You don't know if others  
21 received performance evaluations? Okay.  
22 A. (Witness shakes head in the  
23 negative.)  
24 MS. CABRERA: I'm going to ask  
25 that the witness be given what has been

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1 Suarez  
2 marked as 28.  
3 (Thereupon, the document was  
4 marked Defendant's Exhibit 28 for  
5 identification, as of this date.)  
6 BY MS. CABRERA:  
7 Q. Ms. Suarez, I'm going to  
8 represent to you that Exhibit Number 28 are  
9 the responses to interrogatories that we  
10 received from your attorney.  
11 A. Okay.  
12 Q. Before today, have you reviewed  
13 these?  
14 A. Yes, I did.  
15 Q. Okay. I'm going to direct your  
16 attention to page number seven, number 11.  
17 It says: "Larry," last name unknown.  
18 My question is: Is this Larry  
19 Callahan?  
20 A. Yes.  
21 Q. And who is Larry Callahan?  
22 A. He was the night manager.  
23 Q. And then the next paragraph, 12,  
24 um, Selena Seabrooks, is this the person  
25 from the EEOC that you said was asking you

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1 Suarez  
2 questions?  
3 A. I believe so.  
4 Q. Okay. I want to ask you to turn  
5 to page nine. Interrogatory number five  
6 asks that you identify all the employers  
7 that you have been employed with since  
8 Southern Glazer's. I just want to confirm  
9 if you listed four employers, if these are  
10 all the employers that you have had.  
11 A. Yes.  
12 Q. And, and so for Lyft, it says  
13 from September 2018 to the present.  
14 So are you currently still  
15 working as a Lyft driver?  
16 A. No, not right now.  
17 Q. When did you stop working as a  
18 Lyft driver?  
19 A. I think at the beginning of the  
20 year. I had problems with my insurance.  
21 Q. And is that the -- is it safe to  
22 say the same for Uber?  
23 A. Yes.  
24 Q. What about Macy's?  
25 A. I ended my job there in August

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1 Suarez  
2 this year.  
3 Q. And why did you end your job  
4 there?  
5 A. Because I, I finally put together  
6 my resume, and I'm looking for a job based  
7 on my background and education.  
8 Q. Okay. Why didn't you look for a  
9 job based on your background and education  
10 before this summer?  
11 A. It was very hard to put together  
12 my resume. I was mistreated and fired for  
13 no reason. Putting in a resume 18 years of  
14 experience in Southern, I couldn't face it.  
15 So I went to jobs where the only things  
16 they asked to me were my driver's license  
17 and Social Security number.  
18 Q. And in putting your resume  
19 together in the summer, right, have you  
20 started looking serious for something?  
21 A. Yes.  
22 Q. Okay. And how have you conducted  
23 that search? Tell me what you have been  
24 doing to try to find a job.  
25 A. Through Robert Half, recruiters.

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1 Suarez

2 Q. Okay.

3 A. And I have one current offer,

4 and, and I have one good possibility, like,

5 pending. And I have -- I had a few

6 interviews, but nothing has been finalized,

7 finalized yet.

8 Q. Okay. I think that covers -- so,

9 in interrogatory number six, right, we

10 asked you to give the names of everyone

11 that you have made an application. Okay?

12 And here you listed Uber, Lyft and Walmart.

13 But this is dated May of 2021.

14 A. (Thereupon, the witness nods in

15 the affirmative.)

16 Q. So it sounds like what you are

17 saying to me, that's changed since May of

18 2021, is that correct?

19 A. Yes.

20 MS. CABRERA: I would just ask

21 counsel to supplement interrogatories

22 so that we have an accurate record of

23 Ms. Suarez's mitigation efforts.

24 BY MS. CABRERA:

25 Q. I will direct your attention to

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1 Suarez

2 interrogatory number 16. And there we

3 asked for you to identify anyone you may

4 have seen with regard to any emotional pain

5 and suffering. And the response was

6 "None," that you had not seen anyone. I

7 just want to confirm if that is still the

8 case today.

9 A. It is. It is. I haven't seen a

10 professional here in the United States.

11 But in Ecuador, I seek counseling from my

12 aunt who is a psychiatrist.

13 Q. She is a psychiatrist?

14 A. Yes, she is.

15 Q. Did she prescribe you any

16 medication?

17 A. No, she did not.

18 Q. I would like to draw your

19 attention to interrogatory number 18, and

20 it is on page 18 at the top.

21 A. Yes.

22 Q. We just asked if you kept any

23 notes, diaries, journals or other records

24 of conversations related to your

25 allegations.

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1 Suarez

2 Your response was: "Yes.

3 Plaintiff kept a paper calendar. Plaintiff

4 is not in possession of same as she was

5 specifically instructed by John Wilkinson

6 at the time of her termination that she

7 could not take her calendar with her.

8 Plaintiff left the paper calendar in the

9 possession of Defendant."

10 A. And also I --

11 Q. I'm sorry, let me ask you the

12 question.

13 When you say "paper calendar,"

14 can you, can you describe what you're

15 talking about specifically?

16 A. Yeah, the desktop calendar for

17 that year.

18 Q. Got it.

19 A. And also I have maybe six or

20 seven books from previous years.

21 Everything related, work related.

22 Q. Okay. And do you remember what

23 it was that you wrote on the calendars?

24 A. Work in progress. Meetings.

25 Reviews of, you know, issues, inventory

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1 Suarez

2 issues. Everything work related. And also

3 I kept a digital calendar in my laptop,

4 that it was left at Southern also.

5 MS. CABRERA: Got it.

6 I would ask the plaintiff to look

7 at Exhibit 29.

8 (Thereupon, the document was

9 marked Defendant's Exhibit 29 for

10 identification, as of this date.)

11 THE WITNESS: Yes. Do you have a

12 question about this?

13 BY MS. CABRERA:

14 Q. Have you seen this document before?

15 A. I have.

16 Q. In this case, you're alleging

17 that the company owes you overtime, is that

18 correct?

19 A. Yes.

20 Q. And on Exhibit 29, it indicates

21 that the amount of overtime is \$25,994.84.

22 Do you see that?

23 A. Yes, everything to -- 2017 to

24 2018, yes, I see that.

25 Q. And so how do you -- how did you

173

1 Suarez  
2 calculate this number? How did you come to  
3 \$25,994?

4 MR. MOSER: Objection as to form.

5 THE WITNESS: I did not make the  
6 calculations. If I did, I should have  
7 added ten years working Saturdays and  
8 Sundays with no overtime pay.

9 BY MS. CABRERA:

10 Q. Well --

11 A. But as my attorney said, I was  
12 classified as a manager, so I didn't get  
13 overtime pay. But it changed. I wasn't a  
14 manager anymore. I was an administrator.

15 Q. So, it is your position that  
16 between January 1st of 2017 and up until  
17 the date of your termination, that you were  
18 no longer a manager, you were an  
19 administrator; is that what this  
20 calculation is based on?

21 A. I think from May 2016 I was no  
22 longer a manager. Everything changed.

23 Q. Okay. And so from May 2016 to  
24 April 6th of 2018, how much overtime do you  
25 allege the company owes you?

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1 Suarez

2 A. I will have to make the  
3 calculations. I don't know from the top of  
4 my head right now.

5 Q. Okay. Can you share how many  
6 hours you think are owed to you?

7 A. I would say 16 hours per week,  
8 although I was looking -- I was remembering  
9 by the meeting, um, meeting scheduling that  
10 you just gave to me --

11 Q. Uh-huh.

12 A. -- that all the meetings were  
13 scheduled at 7 p.m., 8:30 p.m. I didn't  
14 remember that. I didn't say that, I didn't  
15 tell that to my attorney. That was, like,  
16 way before or after the 6:30 p.m. hour that  
17 I was told that I have to work until.

18 Q. Okay. So, what are you saying?  
19 Were you saying that you would add that to  
20 the 16 hours?

21 A. (Thereupon, the witness nods in  
22 the affirmative.)

23 Q. You would add the half an hour of  
24 each one of those meetings, you should add  
25 that to the 16 hours?

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1 Suarez

2 A. Maybe an hour. And there was two  
3 meetings scheduled at 8:30 p.m.

4 Q. And you said 16 hours per week.  
5 Does that cover the weekend?

6 A. Yes.

7 Q. And you were working both days  
8 every weekend?

9 A. No. Just Saturdays. Nobody  
10 worked on Sundays.

11 Q. Got it.

12 A. Only me for ten years.

13 Q. Okay.

14 A. Prior to the WMI administrator  
15 position.

16 Q. And so when you say 16 hours a  
17 week, where is the 16 hours coming from?  
18 I'm just trying to understand.

19 A. One hour or two per day and  
20 Saturday.

21 Q. Okay. Ms. Suarez, have you  
22 suffered emotional distress as a result of  
23 your termination?

24 A. Yes.

25 Q. Can you describe for me the

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1 Suarez

2 symptoms of your emotional distress?

3 A. Being unable to work on my resume  
4 made me cry and depressed every time. Not  
5 being -- you know, not being, like,  
6 successful in the eyes of my parents, my  
7 relatives, my friends, was very hard to me.

8 It is very hard for an immigrant  
9 to get a job in an office. Everybody comes  
10 here and cleans houses. It was very  
11 special when my parents, my family,  
12 everybody know that I was not cleaning  
13 houses. I was working in an office. And  
14 that was taken away from me. I couldn't  
15 face it. I couldn't face going to a job  
16 and apply for a management position.

17 I did changes in my life. I  
18 shared my house just to make my mortgage  
19 payments. I couldn't face it. I couldn't.  
20 It is still hard.

21 Q. Aside from not being able to, to  
22 put yourself in a position to go for a  
23 similar job, were there any other effects  
24 on your daily life as a, as a result of  
25 everything you have shared here today that

1 Suarez  
2 happened at Southern Glazer's?  
3 A. I don't know. Like what? Oh,  
4 like, changes in my daily life. Going to  
5 work in a car for Uber is a huge change.  
6 Q. Okay.  
7 A. Going to Walmart and being  
8 invisible is a huge change. And I wanted  
9 to be invisible.  
10 Q. You wanted --  
11 A. And I wanted to be invisible.  
12 Q. Invisible, okay.  
13 A. Yes, those are huge changes.  
14 That's not the way I was. I hope I could  
15 be the same I was, confident,  
16 knowledgeable, firm in my decisions, being  
17 able to make decisions. That was taken  
18 away from me, and it put doubts in  
19 everything I had accomplished until then.  
20 MS. CABRERA: I have no further  
21 questions.  
22 MR. MOSER: I just have a couple.  
23 EXAMINATION  
24 BY MR. MOSER:  
25 Q. I want to draw your attention to

1 Suarez  
2 Exhibits 25 and 26, if you could take a  
3 look at them together.  
4 Is your signature -- let's talk  
5 first about Exhibit 25.  
6 Is your signature on this  
7 document?  
8 A. No, it's not.  
9 Q. How about on 26, is your  
10 signature on that document?  
11 A. No, it's not.  
12 Q. Do you recall seeing either one  
13 of these documents before today?  
14 A. No, I didn't.  
15 Q. Um, counsel asked you several  
16 questions about whether these particular  
17 reviews were accurate with regard to your  
18 duties as WMI administrator. Um, are these  
19 accurate reviews as to your duties as WMI  
20 administrator?  
21 MS. CABRERA: Objection.  
22 You can answer, but I believe  
23 that mischaracterizes my question.  
24 THE WITNESS: The ones that were  
25 pointed out were not because it talks

1 Suarez  
2 about me as a manager and my teamwork  
3 and for me was, which was not longer a  
4 reality once I was given the WMI  
5 administration position.  
6 BY MR. MOSER:  
7 Q. At the time that you had the WMI  
8 administrator position, was there an  
9 inventory control manager at Southern?  
10 A. In accounting there was.  
11 Q. And who was that?  
12 A. Tonisha Durant.  
13 Q. Before you became WMI  
14 administrator, what was your title?  
15 A. Inventory manager warehouse.  
16 Q. If the references to your  
17 abilities as a manager had been made to  
18 your work when you were the inventory --  
19 A. Manager.  
20 Q. -- manager warehouse, would they  
21 be accurate in terms of your management  
22 style and abilities?  
23 A. Yes.  
24 MR. MOSER: I have no further  
25 questions.

1 Suarez  
2 MS. CABRERA: I'm thinking.  
3 THE REPORTER: No problem.  
4 FURTHER EXAMINATION  
5 BY MS. CABRERA:  
6 Q. I want to direct your attention  
7 to Exhibit 25, please, page 3 of 5.  
8 A. Uh-huh.  
9 Q. At the bottom, where it says:  
10 "Comments by John Wilkinson, Maria is very  
11 organized and plans very well. She's very  
12 effective at scheduling her staff and  
13 managing the processes that they need to  
14 perform on a daily basis."  
15 So are you, are you telling us  
16 here today that this is a lie, that this is  
17 false, this is a false statement about you  
18 in 2016?  
19 A. For the first part of 2016, I  
20 think it's true.  
21 MS. CABRERA: I have no further  
22 questions.  
23 THE VIDEOGRAPHER: The time is  
24 5:38 p.m. We are going off the record.  
25 This is the end of media number eight

<p style="text-align: right;">181</p> <p>1 Suarez</p> <p>2 in today's deposition of Maria Suarez.</p> <p>3 Thank you.</p> <p>4 THE REPORTER: Do you want a copy</p> <p>5 of the transcript?</p> <p>6 MR. MOSER: Yes. Yes.</p> <p>7 (Time noted: 5:38 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">183</p> <p>1 Suarez</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9 _____</p> <p>10 MARIA SUAREZ</p> <p>11</p> <p>12</p> <p>13 Subscribed and sworn to</p> <p>14 before me this day</p> <p>15 of 2021</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">182</p> <p>1 Suarez</p> <p>2 November 11, 2021</p> <p>3 <u>ERRATA</u></p> <p>4</p> <p>5 <u>PAGE/LINE</u> <u>CHANGE/REASON</u></p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	<p style="text-align: right;">184</p> <p>1</p> <p>2 CERTIFICATE</p> <p>3 STATE OF NEW YORK )</p> <p>4 ) ss.</p> <p>5 COUNTY OF NEW YORK)</p> <p>6</p> <p>7 I, Jessica R. Taft, a Shorthand</p> <p>8 Reporter and Notary Public within and for</p> <p>9 the State of New York, do hereby certify:</p> <p>10 That MARIA SUAREZ, the witness whose</p> <p>11 deposition is hereinbefore set forth, was</p> <p>12 duly sworn by me and that such deposition is</p> <p>13 a true record of the testimony given by such</p> <p>14 witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this action</p> <p>17 by blood or marriage and that I am in no way</p> <p>18 interested in the outcome of this matter.</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 JESSICA R. TAFT, RPR, CM</p> <p>23</p> <p>24</p> <p>25</p>



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